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QUESTION OF THE HUMAN RIGHTS OF ALL PERSONS SUBJECTED TO ANY FORM OF DETENTION OR IMPRISONMENT

QUESTION OF ENFORCED OR INVOLUNTARY DISAPPEARANCES

Report of the Working Group on Enforced or Involuntary Disappearances

GE. 91-10078

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Introduction

1. The Working Group on Enforced or Involuntary Disappearances submits herewith to the Commission on Human Rights the eleventh report on its work. The account of the Group's activities during 1990 reflected therein describe the approach adopted by the Working Group in relation to its mandate, taking into account the valuable comments and suggestions made during the Commission's debate and the specific tasks entrusted to it in Commission resolutions 1990/30 and 1990/76.

2. The reporting pattern adopted in 1988 and described in the Working Group's report to the Commission at its forty-fourth session (E/CN.4/1988/19, paragraphs 1-5) has also been followed in this report including the graphs, which are based on information contained in the Working Group's computerized files and show the development of the situation since the early 1970s in countries with more than 50 transmitted cases. Cases submitted to or replies received by the Group after its last session (5-14 December 1990) have not been reflected in the report.

3. The problem of disappearances has not abated. In 1990, the Working Group transmitted to 20 Governments a total of 962 cases of disappearance. The statistics and the graphs provide a telling picture of the persistence of the practice of disappearance throughout the world. A growing awareness of the problem as well as the existing international procedures have made it possible for relatives or an increasing number of non-governmental organizations to draw the attention of the international community to cases that in the past would have remained hidden.

4. This year the Working Group has also taken urgent steps, in accordance with paragraph 3(a) of resolution 1990/76 of the Commission on Human Rights, to protect individuals and organizations that sought to co-operate with it or tried to avail themselves of the Working Group's procedures. Information on such steps is included in the relevant country sub-chapters and a description of the decision taken by the Group in relation to this matter can be found on the chapter concerning methods of work.

5. The Group has received with appreciation a copy of the "Draft declaration on the protection of all persons from enforced or involuntary disappearances" adopted by the Sub-Commission on Prevention of Discrimination and Protection of Minorities (See E/CN.4/Sub.2/1990/WG.1/WP.1/Add.1). It recommends to the Commission that it adopt the draft declaration and transmit it to the Economic and Social Council and the General Assembly for final adoption.

6. At the invitation of the Government of the Philippines, two members of the Working Group visited that country. The report on that visit is contained in the addendum to the present report. As in the past, the country section on the Philippines in the main report has been maintained, providing information on decisions taken by the Group with respect to the reported cases of disappearance in that country along with the customary statistical summary. Statements by representatives of the Government and the views of non-governmental organizations, except for those received after the visit, are described in the addendum.

I. ACTIVITIES OF THE WORKING GROUP ON ENFORCED OR INVOLUNTARY DISAPPEARANCES IN 1990

A. Legal framework for the activities of the Working Group

7. The legal framework for the activities of the Working Group has been extensively described in its reports to the Commission on Human Rights at its forty-first to forty-sixth sessions. 1/

8. At its forty-sixth session, the Commission on Human Rights, in its resolution 1990/30, profoundly concerned at the fact that the practice of enforced or involuntary disappearance had continued in various regions of the world, expressed its appreciation to the Working Group for the way in which it had done its work. The Commission thanked the Group for having continued to improve its methods of work and for having recalled the humanitarian spirit underlying its mandate, and decided to extend for two years the term of its mandate as defined in Commission resolution 20 (XXXVI), while maintaining the principle of annual reporting by the Working Group. The Commission repeated several provisions of its previous resolutions and, noting with concern that some Governments had never provided substantive replies concerning disappearances alleged to have occurred in their countries, urged the Governments concerned to co-operate with and assist the Working Group so that it could carry out its mandate effectively, and to intensify their co-operation with the Working Group in regard to any measure taken in pursuance of recommendations addressed to them by the Group.

9. The Commission expressed its concern at the growing number of reports concerning harassment of witnesses of disappearances or relatives of disappeared persons and urged the Governments concerned to take steps to protect the families of disappeared persons against any intimidation or ill-treatment to which they might be subject. The Commission also urged Governments to take steps to ensure that, when a state of emergency is introduced, the protection of human rights is guaranteed, particularly as regards the prevention of enforced or involuntary disappearances.

10. The Commission repeated its request to the Secretary-General that he ensure the Working Group received all necessary assistance, in particular the staff and resources it required to perform its functions, especially in carrying out missions or holding sessions in countries which would be prepared to receive it. Governments concerned were again encouraged to give serious consideration to inviting the Working Group to visit their country so as to enable the Group to fulfil its mandate even more effectively. The Commission expressed its profound thanks to the Governments which had invited the Working Group and asked them to give all necessary attention to its recommendations. The extension of the Working Group's mandate was subsequently endorsed by the Economic and Social Council in its decision 1990/230.

11. The Commission also requested the Working Group's action in its resolution 1990/76. By this resolution, the Commission expressed its concern about cases reported to United Nations organs of private individuals and groups who, before or after co-operating with representatives of United Nations human rights bodies or treaty bodies, had been subject to harassment, ill-treatment and detention or imprisonment or other forms of hardship; about reports that those dear to such individuals had themselves been subjected to similar treatment; and that relatives of disappeared persons, when seeking to clarify the fate or whereabouts of the victims through the appropriate

channels, had frequently been subjected to reprisals as had the organizations to which they belonged. The Commission condemned all acts of intimidation or reprisals, in whatever form, against private individuals and groups who sought to co-operate with the United Nations and representatives of its human rights bodies, or who sought to avail themselves of procedures established under United Nations auspices for the protection of human rights and fundamental freedoms. By the same resolution, the Commission requested all representatives of United Nations human rights bodies reporting to the Commission or the Sub-Commission on violations of human rights, in the exercise of their respective mandates, to help prevent the occurrence of intimidation or reprisals and to devote special attention to this question in their respective reports to the Commission and the Sub-Commission.

B. Meetings and missions of the Working Group

12. In 1990, the Working Group held three sessions: the thirtieth session in New York from 4 to 8 June, and the thirty-first and thirty-second sessions in Geneva from 10 to 14 September and from 5 to 14 December respectively. During these sessions, the Working Group held seven meetings with representatives of Governments and 18 meetings with representatives of human rights organizations, associations of relatives of missing persons, families or witnesses directly concerned with reports on enforced or involuntary disappearances. As in previous years, the Working Group examined information on enforced or involuntary disappearances received from both Governments and the above-mentioned organizations and individuals and decided, in accordance with its methods of work, on the transmission of the reports or observations received to the Governments concerned. On the basis of the information received, the Working Group also took decisions concerning clarification of the relevant cases.

13. During 1989 and 1990, the Working Group received oral invitations to visit El Salvador, the Philippines and Sri Lanka. A visit to the Philippines was scheduled to take place in January 1990 but, after having considered the situation prevailing in the country during that period, the Group decided at its twenty-ninth session to postpone its visit since it felt that a visit at a later date would be more productive. The Group therefore proposed to the Government that it would suggest new dates for the visit. During 1990, after consultation with the Government, it was decided to carry out the visit to the Philippines from 24 August to 7 September 1990. Two members represented the Working Group on that mission, which was carried out in accordance with paragraph 13 of resolution 1990/30. The report on the visit was considered and approved by the Working Group at its thirty-second session and is contained in Addendum 1 to the present report.

14. The Government of El Salvador renewed its invitation to visit that country through a letter dated 11 December 1990 from the Permanent Representative. The invitation was accepted by the Working Group in the course of its thirty-second session.

15. The Government of Sri Lanka, in a note verbale dated 15 November 1990, stated that dates for the visit of the Working Group to Sri Lanka in 1991 were being considered with a view to seeking a time which would be mutually convenient for the Working Group and the Government of Sri Lanka.

C. Communications with Governments

16. In 1990, the Working Group received 3,864 reports on enforced or involuntary disappearances and transmitted 987 newly reported cases to the Governments concerned; 509 of these cases were reported to have occurred in 1990, 447 were transmitted under the urgent action procedure, and 101 were clarified in the same year. Some of the remaining cases were referred back to the sources as they lacked one or more elements required by the Working Group for their transmission and many others were considered inadmissible within the context of the Working Group's mandate. Some cases could not be processed in time for consideration by the Working Group at its December session due to lack of time and staffing constraints. The Working Group also transmitted to the Governments concerned any further information it had received on cases previously transmitted and any observation provided by the source on Governments' replies; it reminded Governments of the outstanding cases and, when requested, retransmitted the summaries of those cases to them. All outstanding cases transmitted during the preceding six months under the urgent action procedure were retransmitted in January and July 1990. Governments were also informed about clarification of, or new information on, previously transmitted cases, as reported by the sources.

17. In accordance with paragraph 16 of resolution 1990/30, at its thirtieth session held in New York the Working Group decided to remind Governments concerned of the observations and recommendations included in the Group's report on its visit to their respective countries. Letters enclosing the relevant text of the report were accordingly sent on 22 August 1990 to the Foreign Ministers of Colombia, Guatemala and Peru, requesting that the Group be informed of the consideration given by their Government to the observations and recommendations, as well as of the steps taken to implement the latter or the constraints which might have prevented their implementation. Except for Colombia, none of the Governments concerned provided the information requested. The Working Group would be grateful if the Commission could give urgent consideration to the questions raised in the Working Group's letters.

18. During the year, the Working Group also examined information communicated by Governments in accordance with the request contained in resolution 1990/75 of the Commission on Human Rights to report on the consequences of acts of violence committed by irregular armed groups and drug traffickers. There were reports of assassination and other violations committed by such groups, and victims included both members of the forces of order and civilians. Irregular armed groups and drug traffickers were also allegedly responsible for damage to or destruction of buildings, roads and industrial and energy-producing installations essential for the general servicing of a community.

D. Communications with non-governmental organizations and relatives of missing persons

19. As in previous years, the Group continued to receive petitions from private individuals and organizations expressing support for the adoption of an international instrument on enforced disappearances. Some of the statements expressly considered the adoption of such an instrument as being closely linked to the question of impunity, since it was believed that this would constitute a powerful tool for denouncing the practice of enforced disappearance and would create awareness of the need to punish such hideous crime.

20. Non-governmental organizations expressed concern over what they perceived to be a tendency in countries which had passed from a totalitarian form of government to democracy whereby laws had been promulgated or mechanisms established which contributed to impunity being used as a means of consolidating the stability of the democratic government. This situation, in which impunity was granted to agents of the former régime responsible for serious violations of human rights, generated feelings of defenselessness and insecurity in the most vulnerable and a lack of confidence in judicial and democratic institutions.

21. The Coalition Against Impunity, a group of international non-governmental organizations concerned with human rights, expressed concern before the Working Group over the action of military forces - usually the real power behind the disappearances - and the impunity they enjoy, especially because members of such forces are judged by military tribunals which, too often, leave violations of human rights unpunished. They expressed the view that the systematic repression created under national security doctrines and counter-insurgency strategies was responsible for both disappearances and impunity for their perpetrators.

22. The Working Group also received reports concerning harassment, persecution and killing of relatives of missing persons, members of their organizations or members of organizations concerned with disappearances. It was stated that human rights organizations and their staff had been increasingly targeted for their activities on behalf of victims of human rights violations. Their work had been obstructed by arrests, death threats, disappearances and, in some case, extrajudicial executions. Several reports from a number of countries stated that those who had chosen to actively defend rights enshrined in international instruments were being persecuted on the grounds that their activities contributed to insurgence or undermined "public order" or the stability of the society. Further information on such allegations will be found in the respective country sub-chapters and in Addendum 1.

E. Development of methods of work

23. In addition to the methods of work described in its report to the Commission at its forty-fourth, forty-fifth and forty-sixth sessions (E/CN.4/1988/19, paras. 16-30; E/CN.4/1989/18, para. 23 and E/CN.4/1990/13, paras. 25-28), this year the Working Group continued to consider specific matters relating to its methods of work.

24. In accordance with decisions taken at the Working Group's twenty-seventh and twenty-ninth sessions, letters were sent in January and July 1990 to all Governments concerned reminding them of urgent action cases transmitted during the preceding six-month period. Following a decision taken in 1989 and as reflected in its methods of work, the Working Group transmitted to the Governments concerned, by letter dated 20 September 1990, all allegations received as of that time with regard to the phenomenon of disappearance in their countries, and invited them to comment thereon if they so wished.

25. In 1990, the Group continued to consider the question of the implementation of the observations and recommendations formulated in the Group's reports on visits made to a number of countries. In accordance with paragraph 16 of resolution 1990/30 of the Commission on Human Rights the Group

decided to remind Governments concerned of such observations and recommendations and to request information on the consideration given to them, as well as the steps taken for their implementation or the constraints which might have prevented their implementation.

26. In compliance with the request the Commission on Human Rights made in its resolution 1990/76, the Working Group, at its thirtieth session, decided to transmit to Governments concerned, by means of a cable from the Chairman to the respective Ministers of Foreign Affairs, any reports of intimidation, persecution or reprisals affecting such private individuals or groups mentioned in the resolutions as requiring prompt intervention, with the appeal that Governments take immediate steps to protect all fundamental rights of the person affected. The Working Group authorized its Chairman to decide, between sessions, which of the cases received contained the elements required by the text of the resolution. The Group considered that cases affecting relatives of missing persons, witnesses to disappearances and their families, members of relatives' organizations, as well as other non-governmental organizations and its members persecuted or threatened as a reprisal for their activities on behalf of victims of disappearances or for their efforts to eliminate such practice, should be given priority attention by the Working Group, in accordance with the terms of resolution 1990/76.

F. Draft declaration on the protection of all persons from enforced or involuntary disappearances prepared by the Working Group on Detention of the Sub-Commission on Prevention of Discrimination and Protection of Minorities

27. As stated in the previous report of the Working Group, by resolution 1988/17 the Sub-Commission on the Prevention of Discrimination and Protection of Minorities asked the Working Group for its comments and suggestions regarding the draft declaration on the protection of all persons against enforced or involuntary disappearances. In compliance with that request, the Working Group submitted a contribution to the Sub-Commission which appears in document E/CN.4/1990/13, paras. 31 to 37.

28. The Sub-Commission, at its forty-second session, adopted the text of a draft declaration on the protection of all persons from enforced or involuntary disappearances (E/CN.4/1991/2 - E/CN.4/Sub.2/1990/59). The efforts of the Sub-Commission's Working Group on Detention in elaborating the draft declaration have been deeply appreciated by the Working Group. The Group considers the adoption of the draft declaration by the Sub-Commission to be a major step forward in the fight against enforced or involuntary disappearances. It may be recalled that on several occasions the Group has recommended the drafting of an international instrument to specifically combat disappearances. (See E/CN.4/1985/15, para. 302 (c), and E/CN.4/1986/19, para. 251 (b)).

29. The Working Group thus recommends to the Commission that it adopt the draft declaration and transmit it to the Economic and Social Council and the General Assembly for final adoption.

II. INFORMATION CONCERNING ENFORCED OR INVOLUNTARY DISAPPEARANCES IN VARIOUS COUNTRIES REVIEWED BY THE WORKING GROUP

Afghanistan

Information reviewed and transmitted to the Government

30. The Working Group's activities in relation to Afghanistan are recorded in its last four reports to the Commission. 1/

31. No cases of disappearance were reported to have occurred in 1990. By a letter dated 28 June 1990, the Working Group reminded the Government of the four outstanding cases transmitted in the past. By a note verbale dated 6 July 1990, the Permanent Mission of Afghanistan to the United Nations Office at Geneva requested to be provided with summaries of all outstanding cases of disappearance which the Working Group retransmitted to it on 17 July 1990.

Statistical summary

I.	Cases reported to have occurred in 1990	0
II.	Outstanding cases	4
III.	Total number of cases transmitted to the Government by the Working Group	4
IV.	Government responses	0

Angola

Information reviewed and transmitted to the Government

32. The Working Group's activities in relation to Angola are recorded in its last seven reports to the Commission. 1/

33. No cases of disappearance were reported to have occurred in 1990. However, by a letter dated 28 June 1990, the Working Group reminded the Government of the seven outstanding cases transmitted in the past. The Government has provided no information on any of those cases; the Group, therefore, is still unable to report on the fate or whereabouts of the missing persons.

Statistical summary

I.	Cases reported to have occurred in 1990	0
II.	Outstanding cases	7
III.	Total number of cases transmitted to the Government by the Working Group	7
IV.	Government responses	0

Argentina

Information reviewed and transmitted to the Government

34. The Working Group's activities in relation to Argentina are recorded in its ten previous reports to the Commission. 1/

35. No cases of disappearance were reported to have occurred in 1990. However, the Working Group retransmitted to the Government a total of seven cases containing additional information received from the sources.

36. By letter dated 14 June 1990, the Working Group conveyed to the Government of Argentina its concern that thousands of cases of disappearances that occurred in that country remained unclarified and requested the Government to provide information on the judicial, administrative or institutional measures it had envisaged to apply for clarifying such cases. It also requested the Government to provide specific details on the proceedings, mechanisms or legal remedies available to relatives who wished to continue the investigation into the fate or whereabouts of their dear ones.

37. By letters dated 28 June and 15 December 1990 the Government was notified that two cases were considered clarified based on its replies and two on the basis of further information provided by the source.

38. In its communication of 28 June 1990 the Working Group reminded the Government of all outstanding cases. By a letter dated 20 September 1990 the Working Group informed the Government of reports it had received from non-governmental organizations which expressed concern about the lack of investigations into the outstanding cases.

Information and views received from relatives of missing persons or from non-governmental organizations.

39. The Working Group received updated information on cases that had occurred in the past from Amnesty International, the Grandmothers of the Plaza de Mayo, the Oecumenical Movement for Human Rights, and relatives of the missing persons. General information was received from the above-mentioned organizations and also from Relatives of Disappeared Persons and Persons Detained for Political Reasons.

40. The Relatives of Disappeared Persons and Persons Detained for Political Reasons sent to the Working Group a copy of the action brought against the Argentine State in a Federal Court by a group of relatives of persons who disappeared in the period 1976-1983. In this action they accused the State of not having complied with its obligations to afford the disappeared persons and their relatives judicial protection, to make its archives and documents available to individuals and to the courts, and to provide accurate, detailed and fully documented information on the treatment of the disappeared. They also requested that the Court should order the State to hand over: (1) all the records, including the deliberations and decisions, of the successive Military Juntas which governed Argentina between 24 March 1976 and 9 December 1983; (2) the microfilms, files and index cards constituting the archive of disappeared persons in the possession of the Ministry of the Interior, the existence of which had been formally admitted by the Ministry; (3) all documents in the possession of army and police units, including the inventories of any documents which might have been destroyed in compliance

with the order received by them from the Army General Staff on 23 November 1983; (4) the microfilms made by the Army General Staff in 1980 of the disappeared persons' files kept at the Ministry of the Interior; (5) an unabridged copy of the "Instructions and procedures to be applied in dealing with the under-age children of members of political and trade-union organizations whose parents were under detention or had disappeared", issued by the Ministry of the Interior and trancribed by military sub-area 313 on 19 April 1977.

41. The organization emphasized in particular that the cessation of criminal proceedings against the perpetrators of the disappearances, had completely deprived the families of the disappeared persons of the sole effective source of official information (the criminal proceedings) and that they had therefore been denied the right to a legal remedy, in violation of article 25 of the American Convention on Human Rights, to which the Republic of Argentina was a party.

42. The Grandmothers of the Plaza de Mayo and Amnesty International expressed their concern about delays in judicial proceedings which had been initiated to clarify cases of missing children, where it appeared that documents had been forged so that surrogate parents could claim the children as their own.

43. The Working Group also received a request from the Argentine Team of Forensic Anthropology, an institution which had greatly contributed to the identification of the remains of missing persons found in anonymous graves, to clarify that it had not been set up by the Government but by concerned and committed scientists and that it was an independent group and a non-profit civilian association which had never received subsidies or support from any Argentine administration or Government.

Information and views received from the Government

44. By note verbale dated 1 June 1990, the Permanent Mission of Argentina to the United Nations Office at Geneva, transmitted a statement by the Government describing a number of measures taken by a previous administration since 1983 to investigate the disappearances that had occurred in Argentina. Mention was made of the establishment of the National Commission on Disappearances (CONADEP), its investigation and its report which referred to 8,900 victims of disappearances as well as of the trial involving nine former commanders-in-chief of the armed forces, which had served to prove the existence of a "criminal method of fighting terrorism".

45. The Government also stated that a series of factors beyond the control of the constitutional Governments had prevented the fate of each and every one of the victims of the past events from being learned; however, in the judgement of the National Appeals Division of the Federal Criminal and Correctional Court of the Federal Capital it was stated that the facts discovered had led it "to infer that abducted individuals who were not released, placed in the custody of the national Executive or brought to trial had been physically eliminated". Nevertheless, in no case had the Court considered a murder as proven unless the body was found. The Government also provided information on 173 individual cases. For 161 of those cases, the Group had previously received information from the Government indicating the courts in which those cases were being investigated. For one of those cases such information was new. Other details contained in the information on

individual cases was already in the Working Group's files because it had been previously received from the relatives, with the exception of two cases on which the Government reported that the corpses of the missing persons had been found and identified. These cases were considered clarified by the Working Group.

Statistical summary

I.	Cases reported to have occurred in 1990	0
II.	Outstanding cases	3,385
III.	Total number of cases transmitted to the Government by the Working Group	3,459
IV.	Government responses:	
	(a) Number of cases on which the Government has provided one or more specific responses	2,940
	(b) Cases clarified by the Government's responses a/	43
V.	Cases clarified by non-governmental sources b/	31

a/ Persons arrested and released: 19
Children located by NGOs: 6
Persons whose bodies were located and identified: 11
Persons whose cases were not disappearances: 7.

b/ Persons released from detention: 7
Children located by NGOs: 8
Persons whose bodies have been located and identified: 16.

Bolivia

Information reviewed and transmitted to the Government

46. The Working Group's activities in relation to Bolivia are recorded in its previous ten reports to the Commission. 1/

47. No cases of disappearance were reported to have occurred in 1990. However, by a letter dated 28 June 1990, the Working Group reminded the Government of the 28 outstanding cases transmitted in the past. A copy of them had been provided to the Government, at the request of the Permanent Mission of Bolivia to the United Nations Office at Geneva, by note verbale dated 23 March 1990.

Information and views received from the Government

48. With regard to the outstanding cases, by letter dated 26 June 1990 the Government informed that despite efforts made since 1982, when constitutional normality and democratic government were restored, it had been possible to establish the facts satisfactorily in only 20 of the 48 reported cases. There had unfortunately been no accurate or precise information which could help to clarify the remaining 28 cases. The lack of specific results sprang from the difficulty of investigating acts which had taken place between eight and nine years previously. The circumstances of the disappearances, which by the very nature and characteristics of that offence are difficult to establish since the deliberate intention is to cover up all traces of their having being committed, had been further obscured by the passage of time. Moreover, according to the complaints most of the cases in question had occurred at times of general and often indiscriminate and massive violence during two military coups, when the methods used were sadly all too well known.

49. Investigations had also been restricted by the time-limits applicable under criminal law. The Bolivian penal code stipulates that criminal actions have to be brought within a period ranging from three years for offences carrying lesser penalties (art. 101) to eight years for more serious offences punishable by rigorous imprisonment (art. 27). Similarly, the code of criminal procedure stated that any offence might give rise to two types of proceedings, civil or criminal, defining the latter as follows: "criminal proceedings to investigate and try an act and to impose a penalty of security measure..." (art.4).

50. The above facts led the Government of Bolivia to believe that there is very little likelihood of reaching any definite result in the investigation of the cases pending. However, it would provide information on any future progress or developments in relation to the cases in question.

51. The letter also mentioned that the National Congress was in the process of considering a bill categorizing enforced or involuntary disappearance as an offence comparable to murder, with all the aggravating circumstances and punishments statutorily determined. It was also to be classified as an offence against humanity of an international character, and hence extraditable.

Statistical summary

I.	Cases reported to have occurred in 1990	0
II.	Outstanding cases	28
III.	Total number of cases transmitted to the Government by the Working Group	48
IV.	Government responses:	
	(a) Number of cases on which the Government has provided one or more specific responses	33
	(b) Cases clarified by the Government's responses a/	20

a/ Persons released from detention: 18
Persons officially reported dead: 2.

Brazil

Information reviewed and transmitted to the Government

52. The Working Group's activities in relation to Brazil are recorded in its last nine reports to the Commission. 1/

53. No cases of disappearance were reported to have occurred in 1990. However, by letters dated 28 June and 20 September 1990, the Working Group reminded the Government of the 47 outstanding cases.

54. The Government was also requested, by letter dated 20 September 1990, to submit to the Group any information on the results of the investigations which the Council for the Defence of Human Rights (CDDPH) of the Ministry of Justice was carrying out on the 47 outstanding cases of enforced or involuntary disappearances.

Information and views received from relatives of missing persons or from non-governmental organizations

55. The group "Tortura Nunca Más - R.J." reported that about 1,700 dead bodies, which had been clandestinely buried in a mass grave, were discovered in a cemetery of the city of Sao Paulo.

56. Members of the associations of the relatives of assassinated and disappeared persons identified, among these corpses, two persons who had been missing since 1971 and 1972. (These cases are not in the Working Group's files.) The Prefect of Sao Paulo was conducting investigations to try to establish the identification of the corpses. Non-governmental organizations stressed the importance of carrying out such investigations and expressed concern that they might be impeded or stopped.

Information and views received from the Government

57. By letter dated 14 June 1990, the Permanent Representative of Brazil to the United Nations Office at Geneva reiterated his Government's commitment to human rights, informing the Working Group, in particular, that the 47 outstanding cases of alleged enforced or involuntary disappearance in Brazil were still under careful consideration by the Council for the Defence of Human Rights (CDDPH) of Brazil's Ministry of Justice, under process MJ-137/48/79.

58. By note verbale dated 26 November 1990, the Goverment provided information related to 1,700 dead bodies found in a common grave at the Dom Bosco cemetery, municipality of Sao Paulo, early in 1990. The note verbale stated that while developments relating to this discovery had been followed by the Council for the Defence of Human Rights (CDDPH) in conjunction with a trial on "political disappearances" which it had been examining for a number of years, the primary responsibility for the investigation rested with the Municipality of Sao Paulo. The main steps taken in that investigation were: (a) to establish a follow-up group to monitor progress in all tasks related to the identification of the bodies; (b) to entrust the State University of Campinas with the task of carrying out technical work for identification of the corpses; and (c) to invite national and international non-governmental organizations to assist in all stages of the process. Parallel to these measures, the legislative body of the

Municipality of Sao Paulo established an Inquiry Commission to look into all facts associated with the common graves. The Commission conducted a number of hearings. Finally, on 18 October 1990, the Mayor of Sao Paulo accompanied to the Dom Bosco cemetery a mission of international non-governmental organizations, including Amnesty International, Americas Watch and the Argentine Team of Forensic Antropology which was monitoring the work being undertaken and later made statements concerning the seriousness with which the investigation was being conducted.

Statistical summary

I.	Cases reported to have occurred in 1990	0
II.	Outstanding cases	47
III.	Total number of cases transmitted to the Government by the Working Group	49
IV.	Government responses:	
	(a) Number of cases on which the Government has provided one or more specific responses	49
	(b) Cases clarified by the Government's responses a/	2

a/ Persons detained: 2.

Burkina Faso

Information reviewed and transmitted to the Government

59. By a cable dated 27 February 1990 the Working Group transmitted to the Government of Burkina Faso, under the urgent action procedure, three cases of disappearance. Upon request from the Government, the summaries of these cases were transmitted again by note verbale dated 25 July 1990.

Information and views received from relatives of missing persons or from non-governmental organizations.

60. The above-mentioned cases were submitted by Amnesty International and concerned three persons (one of them a university professor of physics and chemistry) reportedly accused of participating in an alleged conspiracy against the Government and arrested in December 1989.

Statistical summary

I.	Cases reported to have occurred in 1990	0
II.	Outstanding cases	3
III.	Total number of cases transmitted to the Government by the Working Group	3
IV.	Government responses	0

Chad

Information reviewed and transmitted to the Government

61. The Working Group's activities in relation to Chad are recorded in its last two reports to the Commission. 1/

62. In 1990, the Working Group did not receive any reports on cases of disappearance in Chad. However, by a letter dated 28 June 1990, the Working Group reminded the Government of the outstanding case transmitted in the past. The Government has provided no information on this case and the Group, therefore, is still unable to report on the fate or whereabouts of the missing person.

Information and views received from relatives of missing persons or from non-governmental organizations

63. The Working Group received from Amnesty International reports of a general nature alleging that hundreds of political prisoners arrested in Chad during the past eight years had effectively disappeared since the Government has revealed no information whatsoever on their whereabouts and the procedures governing arrests have not been observed. Amnesty International, however, did not provide details as required under the Working Group's criteria.

Statistical summary

I.	Cases reported to have occurred in 1990	0
II.	Outstanding cases	1
III.	Total number of cases transmitted to the Government by the Working Group	2
IV.	Government responses	1

Chile

Information reviewed and transmitted to the Government

64. The Working Group's activities in relation to Chile are recorded in its last ten reports to the Commission. 1/

65. No cases of disappearance were reported to have occurred in 1990, However, the Working Group transmitted one case under the urgent action procedure reported to have occurred in 1989. The Group also retransmitted to the Government a total of three cases containing additional information received from the sources.

66. By a letter dated 20 September 1990 the Government was notified that two cases were now considered clarified based on information provided by the source. By the same letter the Government was requested to provide additional information on nine cases that had been mentioned as clarified in a Special Report presented to the Working Group by the Government of Chile.

67. In its communication of 28 June 1990, the Working Group also reminded the Government of all outstanding cases. By a letter dated 18 July 1990, in accordance with the decision taken at the Working Group's twenty-seventh session, the Government was reminded of one report of disappearance transmitted during the previous six months under the urgent action procedure.

68. In response to a request from the Permanent Mission of Chile to the United Nations Office at Geneva, contained in the note verbale dated 27 July 1990, on behalf of the National Commission for Truth and Reconciliation, the Working Group forwarded the chapter on disappearances from the documents which had been submitted to it by the Vicaría de la Solidaridad in February 1989.

Information and views received from relatives of missing persons or from non-governmental organizations

69. A newly reported case of disappearance was submitted by the Chilean Commission on Human Rights and concerned a human rights activist who was allegedly taken from his house in Santiago in November 1989 by security agents. The Commission also informed the Working Group that in two cases of disappearance the remains of the persons had been found and identified in Colina, Santiago.

70. Amnesty International sent to the Working Group a report on judicial decisions taken in 1989 and 1990 by military courts concerning three important investigations involving about 100 cases of disappearance. The military courts declared these cases closed, applying the 1978 amnesty law.

71. The first ruling concerned 70 people whose detention in Santiago between 1974 and 1976 had been carried out by DINA. In 1978 a criminal complaint was filed against General Manuel Contreras, former Director of DINA, before the 10th Criminal Court which declared itself incompetent to continue the investigation and passed it to a military court, which closed the case. An appeal against the closure of the case was filed in November 1989 before the court martial regarding whether or not the amnesty law was applicable, given that at the time of the closure, numerous investigative steps were still pending. In Septemner 1990, the Supreme Court declared the 1978 amnesty law constitutional and applicable.

72. The second and third rulings respectively concerned 24 people, peasants from Paine near Santiago, who disappeared in 1973 and eight people from Valparaiso who disappeared between 17 and 27 January 1975. The Paine case was closed on 20 November 1989 by a military judge. The Valparaiso case was closed on 16 November 1989 by the court martial which upheld a lower tribunal's decision to close the investigation on the basis of the amnesty law. A complaint against the decision was submitted to the Supreme Court.

73. These decisions followed the precedent set by the Supreme Court in August 1989 to archive permanently investigations conducted by judge Carlos Cerda into the disappearance of 10 Communist Party members in 1976.

Information and views received from the Government

74. By notes verbales dated 25 October and 8 November 1990, the Government provided information on 10 cases of disappearance. The Government advised the Working Group that one case was still under investigation before the 26th Criminal Court in Santiago. The other nine cases concerned missing persons whose corpses had recently been found; however, only two of nine names given in the list corresponded to cases of disappearance submitted to the Working Group.

75. By a note verbale dated 11 September 1990, the Permanent Mission of Chile to the United Nations Office at Geneva forwarded a Special Report on the question of enforced or involuntary disappearances prepared by the Office of the Special Adviser on Human Rights at the Ministry of External Relations. The document consists of three chapters which are summarized below.

76. In 1973, disappearances were in general carried out by members of the armed forces (mainly the army and the carabineros). From 1974 onwards agents of the Directorate of National Intelligence (DINA) made persons disappear, most of them prominent activists in the Chilean Left (MIR, Socialist Party and Communist Party).

77. Up to the end of the military Government there were 735 known cases of missing detainees. The fate of 52 persons who had been arrested in 1973 was clarified in 1978 when their bodies were found. During the first five months of the new Government, testimony had been received on a further 193 cases of disappeared detainees, which brought the total up to 928 missing persons whose names as well as place of arrest and date of disappearance are listed in the report.

78. The courts of law systematically rejected the applications for amparo submitted in respect of detainees who subsequently disappeared. The courts did not even go through the motions of conducting an investigation and judges never visited the secret centres which were being denounced.

79. When the former Government, as a result of international pressure, put an end to the systematic disappearance of detainees, it enacted a legislative decree in April 1978 granting an amnesty which essentially exonerated from all criminal liability the perpetrators of those crimes.

80. The report further describes the policy of the present Government in relation to violations of human rights as a whole and to disappearances in particular.

81. The programme, inter alia, states:

> "...The Democratic Government shall strive to establish the truth in all cases of human rights violations which have occurred since 11 September 1973.
>
> "Likewise, it shall ensure the trial, in accordance with the criminal law in force, of human rights violations which involve heinous crimes against life, freedom and the person..."

82. In fulfilment of these promises the Head of State issued Supreme Decree No.355 of the Ministry of the Interior on 25 April 1990, published in the Diario Oficial of 9 May 1990, whereby the Comisión Nacional Verdad y Reconciliación (National Commission for Truth and Reconciliation) was established. This Commission has been entrusted with the implementation of the above-mentioned human rights programme.

Statistical summary

I.	Cases reported to have occurred in 1990	0
II.	Outstanding cases	461
III.	Total number of cases transmitted to the Government by the Working Group	465
IV.	Government responses:	
	(a) Number of cases on which the Government has provided one or more specific responses	4
	(b) Cases clarified by the Government's responses	0
V.	Cases clarified by non-governmental sources a/	4

a/ Persons released: 1
Persons dead (body found and identified): 3.

China

Information reviewed and transmitted to the Government

83. The Working Group's activities in relation to China are recorded in its last two reports to the Commission. 1/

84. During the period under review, the Working Group transmitted 10 newly reported cases of disappearance to the Government of China, of which seven were reported to have occurred in 1990. Five of those cases were transmitted to the Government by letter dated 20 September 1990 and five by letter dated 14 December 1990. As regards the latter five cases, in accordance with the Group's methods of work, it must be understood that the Government could not respond prior to the adoption of the present report.

85. By letter dated 20 September 1990, the Government was notified that one case was considered clarified on the basis of information given by the source. By letter of 20 June 1990, the Government was advised that two more cases would be considered clarified, provided the source did not raise objections within six months. By a further letter dated 14 December 1990, the Working Group informed the Government that it had decided to extend this period for another six months in view of reported difficulties of communication with the families concerned.

86. The Working Group also reminded the Government, by communication of 28 June 1990, of all outstanding cases reported to have occurred in China.

Information and views received from relatives of missing persons or from non-governmental organizations

87. The majority of newly reported cases of disappearance were submitted by the International League for Human Rights, the Minority Rights Group and the Tibet Information Network. These organizations also submitted information of a general nature relevant to the problem of disappearances.

88. Three of the newly reported cases concerned persons who disappeared after the incidents in Bejing in June 1989; two concerned Tibetans in Lhasa, one of whom was subsequently confirmed to be in prison. The five cases transmitted to the Government on 14 December 1990 also concerned Tibetans who reportedly disappeared in Lhasa in 1989 or in 1990.

89. The sources reporting cases to the Working Group alleged that since the events of June 1989 (in Bejing and other cities), a large number of persons had been detained, but that the Chinese authorities were reluctant to disclose the number of detainees as well as information on the charges brought against them. Their whereabouts and any sentences that might have been pronounced were also unknown. The number of persons still remaining in detention, often incommunicado and without charges, was said to be "many thousands". The requirement by law to notify the detainee's family or work unit within 24 hours of his/her arrest has allegedly been systematically ignored. Torture and ill-treatment of detainees were said to be commonly practised. It was also reported that there were other methods by which persons could be lawfully detained or imprisoned in the exercise of authority conferred by laws. Long-term detention outside the judicial system, for example "re-education through labour", were said to be widely practised.

90. As regards the Tibet Autonomous Region, it was reported that the Government's efforts to control communication and traffic between that region and the outside made it extremely difficult to obtain information on the disappearances in that area. This difficulty was said to have been demonstrated by the example of the slow and scarce outflow of information on the unrest in Lhasa during the period from 2 to 10 March 1989.

91. With regard to the 19 persons who disappeared after being forcibly returned to Tibet from Nepal, the source stated that they were last seen in the custody of Chinese police on the road to Qinghai. The Government's assertion that all 26 were taken to their homes, was rejected since seven had escaped. The source requested an extention of the six-month period in order to try to ascertain whether any of the persons in question had returned to their respective families.

Information and views received from the Government

92. The Permanent Representative of the People's Republic of China to the United Nations Office at Geneva, by letter dated 17 January 1990, stated that 26 Tibetans who had illegally left China had been repatriated, had been received by the Chinese Government at Zhangmu on the Nepalese border and had returned to their original communities in Sichuan Province. With regard to four monks, the Government reported that two had been released from detention in January 1989 and had returned home, one had been sentenced to two years' imprisonment, and that the name of the fourth monk as indicated by the Working Group was not known at the Drepung monastery.

93. In a further letter dated 1 August 1990 the Permanent Representative of China reiterated that his Government had encountered great difficulties in conducting investigations on the basis of the names of persons and locations transmitted by the Working Group. He also stated that the Chinese Government could not be held responsible for the illegal departure of the 19 Tibetans mentioned above, some of whom might have left their original residences again of their own free will.

94. By letter dated 25 November 1990, the Government of China provided replies on another five cases transmitted to it on 20 September 1990. With regard to two of the five cases, the Government stated that the families of the individuals concerned knew their whereabouts. (However, one of the names does not correspond to the name transmitted by the Working Group). For one case, the Government stated that 54 persons of that name were living in Beijing but none of them had been arrested. For the remaining two cases, the Government stated that one person had been sentenced on 27 November 1989 to serve eight years' imprisonment in Lhasa jail for his involvement with a separatist movement, and that the whereabouts of the other person were being investigated by the authorities.

95. The reply further stated, in connection with the detentions after the events of 4 June 1990, that the judicial organs had released a total of 881 people on 18 January, 18 May and 6 June 1990; it was also stated that, at present, only a few people were still undergoing investigation. The Government rejected the allegations of torture and ill-treatment, emphasizing that China was a party to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and had systematic legal provisions protecting the various rights enjoyed by citizens during law enforcement proceedings and while in detention or imprisoned. Unlawful acts of law enforcement personnel were investigated to establish criminal responsibility. Between March and November 1989, some 400 persons were arrested, over 300 of them for relatively minor offences and only some 60 were imprisoned according to the law.

96. With regard to the question of "re-education through labour", the reply stated that the practice was based on the decision of August 1957 by the Standing Committee of the National People's Congress, subsequently endorsed by the Standing Committee on 26 November 1979 and by the State Council on 21 January 1982, and that it was a fully effective legal practice under national law. "Re-education through labour" was an administrative measure of compulsory educative reform which China had adopted to discourage and reduce crime and to safeguard public law and order. The Government emphasized that the rights provided for under the Constitution and laws were guaranteed for the inmates in re-education facilities.

Statistical summary

I.	Cases reported to have occurred in 1990	5
II.	Outstanding cases	32
III.	Total number of cases transmitted to the Government by the Working Group	34
IV.	Government responses:	
	(a) Number of cases on which the Government has provided one or more specific responses	29
	(b) Cases clarified by the Government's responses a/	1
V.	Cases clarified by non-governmental sources b/	1

a/ Person released: 1.

b/ Person in prison: 1.

Colombia

Information reviewed and transmitted to the Government

97. The Working Group's activities in relation to Colombia are recorded in its last six reports to the Commission 1/, as well as in the report on the visit to the country which took place in 1988 (E/CN.4/1989/18/Add.1).

98. During the period under review, the Working Group transmitted 108 newly reported cases of disappearance to the Government of Colombia, of which 82 were reported to have occurred in 1990. Eighty-two of those cases were transmitted by cable under the urgent action procedure. The Group also retransmitted to the Government a total of nine cases containing additional information received from the sources. As regards the two cases transmitted by the Working Group on 14 December 1990, in accordance with its methods of work, it must be understood that the Government could not respond prior to the adoption of the present report.

99. By letters dated 28 June, 20 September and 14 December 1990, the Government was notified that 36 cases were considered clarified, 34 based on its replies and two on the basis of further information provided by the sources.

100. By letters dated 31 January 1990 and 18 July 1990, the Government was reminded of reports of disappearance transmitted during the previous six months under the urgent action procedure; by letter dated 28 June 1990, the Working Group also reminded the Government of all outstanding cases. Summaries of these were subsequently provided at the request of the Government.

101. The Working Group also transmitted to the Government, in a letter dated 20 September 1990, allegations of intimidation, reprisals or harassment against relatives of disappeared persons, drawing to its attention paragraph 12 of resolution 1990/30 and paragraph 2 of resolution 1990/76. In this connection, five such cases, which the Working Group considered to require timely intervention, were transmitted by cable. By the same letter, the Working Group also informed the Government of reports it had received about developments in Colombia having an influence on the phenomenon of disappearance or on the solution of the cases not yet clarified.

102. In accordance with a decision taken by the Working Group at its thirtieth session, a letter dated 22 August 1990 was sent to the Government reminding it of the recommendations included in the report on the 1988 mission to the country and requesting information on the subsequent consideration given to them. Among these recommendations, the Working Group had expressed the need for a revision of the police powers wielded by the armed and security forces; the elimination of certain procedural obstacles to the habeas corpus proceedings; the improvement of the physical protection of members of the courts; the incorporation of disappearance as a separate crime in the penal code; and the increase of resources available to the Office of the Attorney General of the Nation as well as to the judges, for establishing the whereabouts of missing persons.

Information and views received from relatives of missing persons or from non-governmental organizations

103. The new cases transmitted during 1990 were submitted by Amnesty International, the Association of Relatives of Disappeared Detainees (ASFADDES), the Andean Commission of Jurists (Colombian Section) and the United Federation of Workers of Colombia (CUT). Those most often reported to be responsible were the army, the police and paramilitary groups acting with impunity and believed to have links with members of the security forces. The departments most affected were Antioquia, Valle del Cauca and Santander.

104. According to the information received, the principal victims of disappearance after detention continued to be peasant farmers associated with lawful left-wing labour organizations and civic leaders belonging to rural community organizations or left-wing opposition parties based in areas where military forces were engaged in counter-insurgency operations.

105. It was alleged that insufficient efforts were made by the authorities to trace the whereabouts of persons reported disappeared after detention, as illustrated by the case of 43 persons disappeared in Pueblo Bello (Antioquia) on 14 January 1990. According to the information received, in April 1990 the bodies of 26 persons had been found at the Fincas Las Tangas and Jaraguay, municipality of Valencia, Córdoba, seven of which had been recognized by relatives as belonging to persons arrested in Pueblo Bello. Other common graves had reportedly been found in the same area which could contain the bodies of the other missing persons; however, despite the requests of the families, no steps had allegedly been taken to identify the corpses. In general, the sources reported that, in the majority of cases, the forensic procedure to identify unnamed bodies had been carried out in an irregular manner.

106. Reports were also received concerning the difficulty in identifying those responsible for disappearances; this was said to be partly due to the reluctance on the part of witnesses to come forward for fear of reprisals, and the fact that the majority of people were seized by paramilitary forces operating in civilian clothes. In certain cases, relatives or officials from the Procurator General's Public Ministry had succeeded in establishing the place of detention of people disappeared after arrest; however, military authorities generally refused to acknowledge detentions despite the testimony of witnesses to the arrest.

107. In recent months several civilian judicial investigations into human rights violations had reportedly resulted in warrants being issued for the arrest of members of the Colombian armed forces implicated in arbitrary arrest, torture and extrajudicial executions. However, it was asserted that, in the vast majority of such cases, army and police personnel had been shielded from prosecution by military authorities, who were said to regularly transfer - and sometimes promote - army and police personnel sought by civilian courts. On other occasions military authorities had allegedly reported that army personnel could not be brought before a civilian court to answer charges relating to human rights violations because they had "deserted".

108. Other practices facilitating impunity, according to reports received, were the intimidation and assassination of witnesses, the obstruction by military authorities of independent inquiries by failing to provide information or to comply with arrest warrants issued by civilian judges, and the intimidation of judicial authorities investigating human rights violations attributed to military and paramilitary forces. It was also reported that, despite the Government's promises to improve the judicial system, the latter continued to lack resources, adequate protection and co-operation in carrying out its investigations.

109. In connection with the disappearances from the Palacio de Justicia, which occurred in 1985 (see E/CN.4/1989/18/Add.1, paras. 92-96 and E/CN.4/1990/13, para. 87), the Attorney General's Office, after completion of disciplinary proceedings, had reportedly requested the dismissal of an army general (commander of the XIII Brigade when the incident took place) who had failed to give priority to the protection of innocent civilians during the military operation t bring the guerrilla group under control.

Information and views received from the Government

110. In the course of 1990 the Government provided replies on 79 cases of disappearance by different notes verbales. The majority of them reported variously: that the case was being investigated by the competent authorities; that, according to the inquiries made, government forces were not responsible for the disappearance; that no record of the arrest was kept at the offices of the forces reportedly responsible; that the case had not been denounced to the authorities of the place of arrest; or that the attorney had visited the premises of the forces reportedly responsible and had not found missing persons there. In two cases the Attorney Delegate for the Armed Forces had issued a resolution requesting the removal of an army captain; in several other cases the person had been found dead or had been released from detention. The Government also sent replies concerning two cases of barassment of relatives on which the Working Group had sent a prompt intervention appeal. It stated that one case was being investigated and in the other, a commission of the office of the Attorney of Santander had visited the relatives of the threatened person as well as witnesses.

111. By note verbale dated 19 November 1990, the Government transmitted a document containing information on recent developments of the Government's policy in the field of human rights. According to this communication, during 1990 various institutional measures were taken with a view to gradually restoring the ability of the courts to function normally.

112. Act No.4 of 1990 set up, reorganized and reinforced the functions of the Office of the Attorney General of the Nation and restored the special functions of the criminal police to the Office of the Attorney General through the Office of Special Investigations. Since January 1990 the Office of the Attorney-Delegate for Human Rights has enjoyed complete jurisdiction in cases where public officials were held responsible for torture and disappearances. It had evolved a special procedure to be applied in cases of presumed disappearance entailing immediate visits by officials of the Office of the Attorney General, as soon as a complaint was received, to places where a person suspected of having disappeared was likely to be found.

113. The Government further reported that the Office of the Attorney General had also established an emergency centre to deal with cases of forced disappearance. This centre consisted of officials of the Office of Special Investigations and the Office of the Attorney-Delegate for Human Rights as well as the Offices of the Attorney-Delegate for the Armed Forces, the National Police and the Criminal Police, as the case might be, who were empowered to inspect military and police units and installations using flexible and appropriate methods. In a number of cases, these methods had made it possible to trace disappeared persons.

114. The Office of the Presidential Adviser for Human Rights was reorganizing itself so as to be able to play a more active part in the monitoring of human rights violations as a means of supporting the more resolute action being taken by the Office of the Attorney General and other governmental bodies dealing with human rights that are members of the Interinstitutional Working Group. One of the main elements of this work was the permanent monitoring of the situation of disappeared persons as a means of centralizing the scattered information available on such cases and developing more efficient ways of dealing with the problem. The Office of the Presidential Adviser was endeavouring to establish closer relations with non-governmental organizations dealing with human rights matters in order to obtain more timely news of cases of human rights violations, as very often presumed arbitrary detentions or disapperances were not brought to its attention; this hampered the emergency action that was necessary to initiate an investigation at a time when it had a greater chance of success.

115. The Government was making vigorous efforts to reform the investigative system, the weaknesses of which were pointed out in the Group's report. Steps had been taken by the previous Government to reorganize the Technical Branch of the Criminal Police, a civil investigative body under the National Directorate for Criminal Investigation. One hundred and ninety preliminary investigation units had been set up in various parts of the country. In addition, the Directorate for Criminal Investigation had established a National Human Rights Unit to co-ordinate the work of human rights units in all the departments and thereby enable its staff to develop a better understanding of human rights matters and to monitor the activities of investigative units responsible for examining punishable acts to ensure that investigations can be carried out efficiently and without abuses by the forces of law and order.

116. Commenting on the process of constitutional reform, the Government stated that among the various groups seeking a mandate to represent the people, there was a clear consensus that the main functions of the Assembly should be to reorganize the system of justice, and to draft rules of law that clarify and supplement the guarantees and rights of individuals along with machinery that guarantees their implementation or offers the individual adequate remedies to ensure observance thereof or to protect him against abuses. In the context of the constitutional reform process, it had been borne in mind that the remedies of amparo, habeas corpus and public right of action had to be embodied in the Constitution as a means of protecting human rights.

Statistical summary

I.	Cases reported to have occurred in 1990	82
II.	Outstanding cases	649
III.	Total number of cases transmitted to the Government by the Working Group	800
IV.	Government responses:	
	(a) Number of cases on which the Government has provided one or more specific responses	611
	(b) Cases clarified by the Government's responses a/	121
V.	Cases clarified by non-governmental sources b/	30

a/ Persons at liberty: 26
Persons released: 54
Persons in prison: 9
Persons dead: 31
Persons abducted by rebels: 1.

b/ Persons at liberty: 2
Persons in prison: 4
Persons released: 18
Persons dead: 6.

Cyprus

117. The Working Group's activities in relation to Cyprus are recorded in its ten earlier reports to the Commission. 1/ As in the past, the Working Group continued to remain available to assist the Committee on Missing Persons in Cyprus, as appropriate and when requested. The Working Group noted that in 1990 the Committee, whose activities were mainly based on the testimony of witnesses and investigations in the field, had held ten sessions involving 45 meetings during which it continued to examine the reports presented to it by the investigative teams under the responsibility of each side.

Dominican Republic

Information reviewed and transmitted to the Government

118. The Working Group's activities in relation to the Dominican Republic are recorded in its last six reports to the Commission. 1/

119. During the period under review no cases of disappearance were reported to have occurred. By letter dated 28 June 1990, the Working Group reminded the Government of the one outstanding case.

Information and views received from the Government

120. By a note verbale dated 17 September 1990, the Permanent Mission of the Dominican Republic to the United Nations Office at Geneva reiterated information given on 5 August 1985 and 5 August 1989, i.e. that the person concerned had left home in 1984, according to statements made by his sister to the National Police whose investigation yielded negative results.

Statistical summary

I.	Cases reported to have occurred in 1990	0
II.	Outstanding cases	1
III.	Total number of cases transmitted to the Government by the Working Group	3
IV.	Government responses	4
V.	Cases clarified by non-governmentalsources a/	2

a/ Persons released from detention: 1
Persons living abroad: 1.

Ecuador

Information reviewed and transmitted to the Government

121. The Working Group's activities in relation to Ecuador are recorded in its last four reports to the Commission.1/

122. During the period under review the Working Group transmitted to the Government one case under the urgent action procedure which was reported to have occurred in 1990. By a letter dated 28 June 1990, the Working Group retransmitted to the Government of Ecuador two cases containing additional information received from the sources. The Government was also notified that one case was considered clarified based on its reply. By the same letter the Working Group also reminded the Government of all outstanding cases.

123. Having been advised by the Government of Ecuador of an error in the statistical summary of the Working Group's report to the Commission at its forty-sixth session concerning the number of outstanding cases, which should have read five instead of six, the statistics were adjusted accordingly.

Information and views received from relatives of missing persons

124. The Working Group received further information from the parents of two young brothers who allegedly disappeared in 1988 while driving their father's car outside Quito. The information provided pointed to some irregularities in the investigation carried out by the Ecuadorian authorities, such as the insistence of the police that they had been victims of an accident as opposed to the opinion of the Red Cross, the Civil Defence, the "scouts" and persons who knew the area where the car was found and who discarded the accident hypothesis. In view of the criticism voiced by several organizations against the manner in which this case was handled by the police, a Presidential Commission was established in July 1990 to investigate it. No information has so far been received about the results of the inquiry by the Presidential Commission.

Information and views received from the Government

125. By a note verbale dated 12 January 1990, the Permanent Mission of Ecuador to the United Nations Office at Geneva provided a copy of the death certificate of a person reported missing by the Working Group. As a result the case was considered clarified.

Statistical summary

I.	Cases reported to have occurred in 1990	1
II.	Outstanding cases	5
III.	Total number of cases transmitted to the Government by the Working Group	15
IV.	Government responses:	
	(a) Number of cases on which the Government has provided one or more specific responses	14
	(b) Cases clarified by the Government's responses a/	9
V.	Cases clarified by non-governmental sources b/	1

a/ Persons detained and duly tried: 2
Persons arrested and extradited to Peru: 2
Persons dead: 3
Persons living abroad: 1
Persons escaped from detention: 1.

b/ Body located and identified: 1.

Egypt

Information reviewed and transmitted to the Government

126. The activities of the Working Group in relation to Egypt are recorded in its sixth, seventh and eighth reports to the Commission.1/

127. The Working Group did not receive any reports of disappearances having occurred in Egypt during 1990. However, it transmitted to the Government of Egypt two newly reported cases of disappearance which occurred in 1988 and 1989. As regards the case transmitted on 14 December 1990, in accordance with its methods of work, it must be understood that the Government could not respond prior to the adoption of the present report.

128. It may be recalled that in 1986 the Working Group transmitted to the Government one case of disappearance which was subsequently clarified in 1988 on the basis of the Government's reply.

Information and views received from relatives of missing persons or from non-governmental organizations

129. The newly reported cases of disappearance were submitted by a lawyer. One case concerned a medical student who was reportedly detained in December 1989 when police were making mass arrests in Zagazig of alleged sympathisers of Islamic groups. The other case concerned a schoolboy who was allegedly witnessed being arrested outside his school in Alexandria one year earlier.

Statistical summary

I.	Cases reported to have occurred in 1990	0
II.	Outstanding cases	2
III.	Total number of cases transmitted to the Government by the Working Group	3
IV.	Government responses:	
	(a) Number of cases on which the Government has provided one or more specific responses	1
	(b) Cases clarified by the Government's responses a/	1

a/ Person in prison: 1.

El Salvador

Information reviewed and transmitted to the Government

130. The Working Group's activities in relation to El Salvador are recorded in its last ten reports to the Commission. 1/

131. During the period under review, the Working Group transmitted 24 newly reported cases of disappearance to the Government of EL Salvador, of which seven were reported to have occurred in 1990. Fifteen of those cases were transmitted by cable under the urgent action procedure. The Group also retransmitted to the Government a total of six cases containing additional information received from the sources. As regards the four cases transmitted by the Working Group on 14 December 1990, in accordance with its methods of work, it must be understood that the Government could not respond prior to the adoption of the present report.

132. By letters dated 28 June and 14 December 1990 the Government was notified that 19 cases were now considered clarified, 13 based on its replies and six on the basis of further information provided by the source. By the same letters the Government was informed that one additional case would be considered clarified provided the sources did not raise objections within six months.

133. In accordance with the decision taken at the Working Group's twenty-seventh session, by letters dated 31 January and 18 July 1990, the Government was reminded of reports of disappearances transmitted during the previous six months under the urgent action procedure.

134. In its communication of 28 June 1990 the Working Group also reminded the Government of all outstanding cases. By a letter dated 20 September 1990 the Working Group informed the Government of reports it had received from non-governmental organizations expressing general concern about the situation in that country and the effect that was having on the phenomenon of disappearance.

135. The Working Group also transmitted to the Government, in a letter dated 20 September 1990, allegations of intimidation, reprisals or harassment against members of non-governmental organizations, drawing its attention to paragraph 12 of resolution 1990/30 and paragraph 2 of resolution 1990/76.

136. By a letter dated 14 December 1990 the Working Group accepted in principle the invitation of the Government of El Salvador to visit that country in the course of 1991.

Information and views received from relatives of missing persons or from non-governmental organizations

137. The newly reported cases of disappearance were submitted by Americas Watch, Amnesty International, Archibishop Oscar Romero Christian Legal Aid (SJC), the non-governmental Commission on Human Rights in El Salvador (CDHES), the Commission for the Defence of Human Rights in Central America (CODEHUCA).the Ecumenical Movement for Human Rights (MEDH) and the Federation of Co-operative Associations of Stockbreeding Production in El Salvador (FEDECOOPADES).

138. The disappearances occurred in the departments of Soyopango, Ahuachapán and San Salvador, and concerned persons from different professions (among them: six co-operative workers involved in land disputes and active members of FEDECOOPADES, day labourers, farmers, mechanics, street vendors and students). The forces which allegedly carried out the arrests were described as members of the army (1st Infantry Brigade, Batallón Atlacal and CITFA) of the security forces (Policía de Hacienda), or simply armed men in plainclothes. The habeas corpus petitions as well as inquiries addressed to the security forces yielded negative responses or no results at all.

139. The sources further reported that six cases had been clarified, four persons had been released, one was dead and the body of another was found and identified.

140. In several reports of disappearance submitted to the Working Group, the above-mentioned organizations reported that an increase in violations of human rights had been noted for the period January to May 1990, involving mainly

death squad killings, 17 cases of capture and disappearance, and an increase in the use of torture. At least 23 people, including members of the political opposition, academics and trade unionists, were said to have been killed by death squads which allegedly acted under orders or with the acquiescence of the armed forces. It was alleged that enforced disappearances continued to occur, without any visible attempt on the part of the civil authorities to prevent this practice or to carry out meaningful investigations into the thousands of cases that had already occurred.

141. The cases reported followed a similar pattern: arrests were allegedly violent and made without a warrant by soldiers, paramilitary personnel or members of the security agencies, in uniform or civilian dress and heavily armed. The perpetrators' certainty that they would never be identified, much less punished, had reportedly reached such a point that in many cases they acted with impunity during working hours, in uniform, in front of witnesses and in official vehicles. They reportedly subsequently denied any part in the acts.

142. Particular concern was expressed about the fact that the absence of protection for human rights, due to the failure to bring to trial members of the armed and security forces identified as the culprits of crimes, had reportedly created a climate conducive to the practice of disappearance. The armed forces, together with the police under its command (National Police, National Guard and the Treasury Police), allegedly evaded, with the complicity of the judicial system, any responsibility for the human rights violations.

143. It was reported that threats, persecution and even arrest or murder were used to silence witnesses and relatives of disappeared persons. The relatives, searching for the disappeared person, had allegedly also been victims of extortion in their efforts to obtain information on the whereabouts of their loved ones. It was also reported that, thus far, the remedy of habeas corpus had not been effective in clearing up disappearances.

144. It was also reported that the Supreme Court had set up a "central office for information on detainees". Under the law establishing this office, every Salvadorian authority was obliged to give written notification, within 24 hours, of any arrest it had carried out; the register could be consulted by all interested parties, including non-governmental organizations. However, it has been said that this positive step had not been accompanied by other more effective measures which would prevent the practice of enforced disappearance. If disappearances took place outside the formal legal framework, the central office for information on detainees could not act; moreover, it has been reported that its competence was limited to the city of San Salvador, and that no penalties had been set out for those who failed to notify the office of a detention.

Information and views received from the Government

145. During its thirtieth session, held in New York, the Working Group met the Deputy Permanent Representative of El Salvador to the United Nations who reiterated his Government's commitment to human rights. He referred to human rights violations perpetrated by the National Liberation Front Farabundo Marti (FMLN) which amounted to 2,870 cases in 1989 and to 174 during the first half of 1990. He also informed the Working Group of the Government's intention to create a Registry of Detainees; the project was being examined in consultation with the Advisory Services of the Centre for Human Rights. He

finally invited the Working Group to visit the country, an invitation which was again extended by the Permanent Representative of El Salvador to the United Nations Office at Geneva who met the Working Group during its thirty-first session.

146. By letters dated 13 February, 11 May, 11 September, and 1 and 4 October 1990, the Government provided information on cases of disappearance previously transmitted by the Working Group: one of the missing persons was released and another was in prison, while in a further four cases the investigation was continuing.

147. By notes verbales dated 21 June, 7 and 10 August, 10 and 19 September, and 9, 12, 13, 16, 22, 23 and 29 November 1990, the Permanent Mission provided information in connection with Commission on Human Rights resolution 1990/75. According to this information, from 1981 to 1988 the FMLN perpetrated 14,444 human rights violations, 10,074 of which were abductions and 4,370 assasinations. For 1990, the Permanent Mission communicated further information on a great number of incidents resulting in the death of members of the armed and security forces and civilians as well as in important material damages. The FMLN offensive of 19 November 1990 resulted in the death of 12 civilians and in the wounding of 74 men, women and children as well as in damage to 31 homes and 36 electrical poles in the departments of Cabañas, Usutalán, San Salvador, La Libertad, La Paz, Chalatenango, Morazán and San Miguel.

148. By a note verbale dated 22 October 1990, the Permanent Mission of El Salvador to the United Nations Office at Geneva forwarded a list of 71 members of the armed forces who had been brought to justice on charges of homicide, robbery and rape.

149. By a letter dated 11 December 1990, the Permanent Representative conveyed to the Working Group an invitation from his Government to visit the country in 1991.

Statistical summary

I.	Cases reported to have occurred in 1990	7
II.	Outstanding cases	2,168
III.	Total number of cases transmitted to the Government by the Working Group a/	2,535
IV.	Government responses:	
	(a) Number of cases on which the Government has provided one or more specific responses	503
	(b) Cases clarified by the Government's responses b/	309
V.	Cases clarified by non-governmental sources c/	59

a/ In a revision of the files, it was found that as of 14 December 1990 the total number of cases considered clarified by the Government should be 309 and the total number of cases considered clarified by non-governmental sources 59. The Government was informed and the statistics adjusted accordingly.

b/ Persons abducted by rebels: 1
Persons in prison: 157
Persons released: 137
Persons at liberty: 4
Persons dead: 4
Persons in court: 5
Persons in hospital: 1.

c/ Persons dead: 6
Persons released from detention: 37
Persons at liberty: 4
Persons whose bodies were found and identified: 2
Persons executed: 1
Persons in prison: 9.

Ethiopia

Information reviewed and transmitted to the Government

150. The Working Group's activities in relation to Ethiopia are recorded in its last nine reports to the Commission. 1/

151. The Working Group received no reports of disappearances occurring in Ethiopia during 1990 but it transmitted to the Government one newly reported case which had occurred in 1989. In its communication dated 28 June 1990, the Group also reminded the Government of all outstanding cases. There has been no response from the Government, however, and the Working Group regrets that it is again unable to report to the Commission on the results of any investigations which might have been carried out.

Information and views received from relatives of missing persons or from non-governmental organizations

152. The newly reported case of disappearance was submitted by both Amnesty International and the sister of the missing person, and concerned a politician whom the security forces arrested in 1989, allegedly on suspicion of involvement in an attempted coup d'état.

Statistical summary

I.	Cases reported to have occurred in 1990	0
II.	Outstanding cases	28
III.	Total number of cases transmitted to the Government by the Working Group	28
IV.	Government responses:	
	(a) Number of cases on which the Government has provided one or more specific responses	2
	(b) Cases clarified by the Government's responses	0

Guatemala

Information reviewed and transmitted to the Government

153. The Working Group's activities in relation to Guatemala are recorded in its previous ten reports to the Commission, 1/ as well as in the report on the visit to the country which took place in 1987 (E/CN.4/1988/19/Add.1).

154. During the period under review, the Working Group transmitted 86 newly reported cases of disappearance to the Government of Guatemala, of which 74 were reported to have occurred in 1990. Seventy-four of those cases were transmitted by cable under the urgent action procedure.

155. By letters dated 28 June and 14 December, the Government was notified that four cases were now considered clarified, one based on its replies and three on the basis of further information provided by the sources. Another case was considered clarified under the six month rule.

156. By letters dated 31 January and 18 July 1990, the Government was reminded of reports of disappearance transmitted during the previous six months under the urgent action procedure. In its communication of 28 June 1990, the Working Group also reminded the Government of all outstanding cases. Summaries of these were subsequently provided at the request of the Government.

157. The Working Group also transmitted to the Government allegations of intimidation, reprisals or harassment against four relatives of disappeared persons, drawing to its attention paragraph 12 of resolution 1990/30 and paragraph 2 of resolution 1990/76. Considering that the situation required prompt intervention, such cases were transmitted by cable. Another case was transmitted by letter.

158. By letter dated 20 September 1990, the Working Group informed the Government of reports it had received about developments in Guatemala having an influence on the phenomenon of disappearance or on the solution of the cases not yet clarified, and invited the Government to make any comments on those allegations. A letter dated 22 August 1990 was sent to the Government reminding it of the observations included in the report on the Group's mission to the country and requesting information on the subsequent consideration given to them. These observations referred in particular to the efforts that should be made to improve the functioning of the habeas corpus procedures, to protect the life of witnesses as well as of persons and organizations denouncing cases, and to adopt convincing measures to prevent and clarify disappearances.

Information and views received from relatives of missing persons or from non-governmental organizations

159. The new cases transmitted during 1990 were submitted by such sources as Amnesty International, Americas Watch, the Central Amercian Association of Relatives of Disappeared Detainees (ACAFADE), the Central American Commission on Human Rights (CODEHUCA), the Guatemalan Commission on Human Rights (CDHG), the Mutual Support Group (GAM) and the Centre for the Investigation, Study and Promotion of Human Rights (CIEPRODH). The reported disappearances occurred mainly in the departments of Guatemala, El Quiché, San Marcos, Sololá and

Escuintla, and the forces most often cited as responsible were the armed forces (27), the national police (6) or armed men in plainclothes acting with impunity and believed to be linked to government forces (41).

160. It was also reported that, after an initial decrease when President Cerezo came to office in 1986, reports on human rights abuses, including disappearances, continued throughout his term of office and escalated sharply during 1989 and the first months of 1990. Extrajudicial executions and disappearances were said to have primarily affected popular organizations, peasants, trade unions and students' associations. Often, the motive appeared to be the belief that the victim had ties with underground guerrilla organizations.

161. According to the reports received, the constant threatening and intimidation of relatives and popular organizations such as the Association of University Students (AEU), the Mutual Support Group (GAM), the National Co-ordination of the Widows of Guatemala (CONAVIGUA), the Council of Ethnic Communities (CERJ) and the Association of Guatemalan Journalists had created a critical situation, making it difficult for these organizations to document cases systematically and for relatives to report them.

162. In the countryside, the pressure on peasants to join the civil defence patrols and the threats against those who did not wish to join were reportedly intensifying, above all in El Quiché, Petén, Retalhuleu, Chimaltenango and Sololá. At the same time, many persons asserted that they had received warnings not to join GAM, CERJ or CONAVIGUA.

163. Forced recruitment of indigenous peasant youths into the armed forces was said to be widespread in Guatemala. It was reported that the manner in which this took place (young men being seized by heavily armed men, sometimes in uniform, sometimes in plainclothes, often using army vehicles) and the fact that families were often not informed made such forced recruitment virtually indistinguishable from the phenomenon of disappearance. When young men who had been considered disappeared by their relatives were eventually located in army bases, members of the military reportedly claimed that they were simply serving their normal military service.

164. It has also been reported that following many disappearances the victim's body was found soon afterwards, invariably with signs of having been tortured, and that unnamed bodies were very often discovered in common graves.

165. The perpetrators were frequently described as heavily armed men in plainclothes using vehicles with darkened windows and no licence plates, making attribution of the abduction or arrest difficult. However, the choice of victims, the information to which their assailants had access, the armaments and vehicles used, and police and military failure to apprehend those responsible, even when victims were seized in full view of uniformed security forces personnel, indicated, according to the sources, that in many cases police or military were involved, acting thereafter as so-called "death squads" or tolerating their activities.

166. It was also reported that the filing of habeas corpus writs did not produce results and that in the vast majority of cases the relatives received no response from the courts regarding the action taken on the petitions. Due to the fact that prisoners were often kept in clandestine jails instead of in public facilities, their location by court officials became almost impossible.

Information and views received from the Government

167. In the course of 1990, the Government provided replies on seven cases of disappearance. In two of them the Government reported that the person had been released and this information was confirmed by the sources; in one it stated that the person was living with her family. The Government further reported that the other four cases were being investigated by a particular judge.

168. The Government also replied to a prompt intervention concerning a case of threats, indicating that the police and judicial authorities had been advised to investigate the case and to give protection to the person concerned.

169. By different notes verbales the Government, in accordance with resolution 1990/75, transmitted information on the activities of irregular armed groups as a result of which approximately 42 persons, some of them civilians, were said to have been killed and about 35 others injured in different departments of the country. Other incidents, such as the destruction of electricity pylons, houses and bridges as well as the setting on fire of vehicles, were also mentioned. No cases of disappearance, however, were reported.

Statistical summary

I.	Cases reported to have occurred in 1990	74
II.	Outstanding cases	2,972
III.	Total number of cases transmitted to the Government by the Working Group	3,086
IV.	Government responses:	
	(a) Number of cases on which the Government has provided one or more specific responses	125
	(b) Cases clarified by the Government's responses a/	41
V.	Cases clarified by non-governmental sources b/	73

a/ Persons dead: 3
Persons in prison: 4
Persons released: 20
Persons not detained in the country: 1
Persons at liberty: 13.

b/ Persons reported dead: 27
Persons whose bodies were found and identified: 13
Persons in prison: 1
Persons released: 23
Persons at liberty: 9.

Guinea

Information reviewed and transmitted to the Government

170. The Working Group's activities in relation to Guinea are recorded in its last eight reports to the Commission. 1/

171. No cases of disappearance were reported to have occurred in 1990. By letter dated 28 June 1990, the Working Group reminded the Government of the 21 outstanding cases transmitted in the past. No response whatsoever has been received to date.

Statistical summary

I.	Cases reported to have occurred in 1990	0
II.	Outstanding cases	21
III.	Total number of cases transmitted to the Government by the Working Group	28
IV.	Government responses	0
V.	Cases clarified by non-governmental sources a/	7

a/ Persons dead: 7.

Haiti

Information reviewed and transmitted to the Government

172. The Working Group's activities in relation to Haiti are recorded in its last eight reports to the Commission. 1/

173. No cases of disappearance were reported to have occurred in 1990. However, by letter dated 28 June 1990, the Group transmitted a new case of alleged disappearance which had occurred in October 1989. In the same letter the Working Group reminded the Government of the 25 outstanding cases transmitted in the past. No response whatsoever has been received to date.

Information and views received from relatives of missing persons or from non-governmental organizations.

174. A new case of enforced or involuntary disappearance which had allegedly occurred in 1989 was submitted to the Working Group by the Haitian Centre for Human Rights. Non-governmental organizations also alleged that arrests were generally carried out in an almost clandestine manner which amounted to abduction. Prisoners were being detained in unacknowledged places of detention and no registration records of detainees were kept.

Statistical summary

I.	Cases reported to have occurred in 1990	0
II.	Outstanding cases	17
III.	Total number of cases transmitted to the Government by the Working Group	26
IV.	Government responses:	
	(a) Number of cases on which the Government has provided one or more specific responses	13
	(b) Cases clarified by the Government's responses a/	9

a/ Persons at liberty: 4
Persons in prison: 5.

Honduras

Information reviewed and transmitted to the Government

175. The Working Group's activities in relation to Honduras are recorded in its last nine reports to the Commission. 1/

176. During the period under review, the Working Group transmitted two newly reported cases of disappearance to the Government of Honduras, of which one was reported to have occurred in 1990. One of those cases was transmitted by cable under the urgent action procedure. The Group also retransmitted to the Government one case containing additional information received from the sources.

177. By letters dated 28 June and 20 September 1990, the Government was notified that seven cases were now considered clarified based on its replies and one on the basis of further information provided by the source.

178. In accordance with the decision taken at the Working Group's twenty-seventh session, by letter dated 18 July 1990 the Government was reminded of a report of disappearance transmitted during the previous six months under the urgent action procedure.

179. In its communication of 28 June 1990, the Working Group also reminded the Government of all outstanding cases. By a letter dated 20 September 1990, the Working Group informed the Government of reports it had received from non-governmental organizations expressing general concern about the situation in that country and the effect developments were having on the practice of disappearance.

180. The Working Group also transmitted to the Government, by letters dated 28 June and 20 September 1990, allegations of intimidation, reprisals or harassment against members of non-governmental organizations, drawing to its attention paragraph 12 of resolution 1990/30 and paragraph 2 of resolution 1990/76.

Information and views received from relatives of missing persons or from non-governmental organizations

181. The cases transmitted in 1990 were submitted by Amnesty International and by a relative of the missing person. General information on disappearances and further details on cases were submitted by Amnesty International, the Committee for the Defence of Human Rights in Honduras (CODEH), the Committee of Relatives of Disappeared Detainees in Honduras (COFADEH) and the Central American Association of Relatives of Detained-Disappeared (ACAFADE).

182. National and international non-governmental organizations reported that cases of disappearances which had occurred in previous years had not been properly investigated so that the fate of the missing persons was still unknown and those responsible for such crimes had not been brought to justice. The Committee of Relatives of Disappeared Detainees in Honduras had asked the President to form a commission to investigate the fate of missing persons and had offered to contribute data, names and other evidence available to help the Government in its investigations.

183. The non-governmental organizations expressed particular concern over the case of trade-unionist and human rights activist Reynaldo Zúñiga, president of the Yoro (San Pedro Sula) local chapter of the Committee for the Defence of Human Rights in Honduras (CODEH), an organization which has submitted numerous cases of disappearance to the Working Group, who was found shot dead on 25 January 1990 in San Pedro Sula after having been under surveillance by police agents, and the case of the legal adviser of CODEH, Rámon de Jesús Madariaga, killed on 18 July 1990 allegedly by official forces or groups linked to them. The reports stressed that these attacks, as well as numerous cases of intimidation and death threats against members of human rights and related organizations and political and trade-union activists, were committed by the military forces with the acquiescence of the civilian authorities. These authorities had never punished the perpetrators of such violations of human rights, and consequently they persisted in their activities.

Information and views received from the Government

184. At its thirty-first session, the Working Group met with representatives of the Government of Honduras who conveyed to the Working Group the commitment of their Government to human rights and stressed the consistency of its policies for the respect of human rights and democracy, in spite of the social, economic and political problems affecting the conditions of life of the majority of the population. The rights to life, to physical and psychological integrity, to security, to freedom of expression, freedom of association and freedom of assembly were enshrined in the Constitution and on this basis, the President of Honduras had stated that respect for human rights would be the fundamental principle of his Government. The representatives of the Government requested the Working Group to consider clarified 50 cases of disappearance for which a reply had been provided. The members of the Working Group explained that a decision on those replies had been taken in accordance with the Working Group's methods of work.

185. The representatives of the Government stressed the meagre resources available to the Inter-Agency Commission on Human Rights for the investigation of cases and the training of its personnel and expressed the hope that their Government would receive support from the programme of Advisory Services of

the Centre for Human Rights for further training of personnel in human rights matters. They added that the judiciary was also making serious efforts to investigate cases of disappearance and other human rights violations and, although in many cases a final decision had not yet been reached, it was expected that fully justified decisions would be taken for such cases.

186. With respect to the compensation due to the relatives of missing persons in two cases in which the Inter-American Court had ruled that the Government of Honduras was responsible, the representatives explained that the compensation had not yet been paid because Congress had delayed in voting the relevant budgetary item. This had caused the compensation initially agreed to decrease in value due to inflation; the Court then decided on a figure which was more than double the earlier one. The Government was in the process of negotiating, because the amounts named by the Court affected the finances of the country.

187. By note verbale dated 29 March 1990, the Government of Honduras provided the Working Group with on seven cases for which a reply had already been provided in 1989. The new reply indicated that the missing persons had been released after having been imprisoned under criminal charges and then acquitted by a military tribunal.

188. By note verbale dated 10 September 1990, the Government provided the Working Group with an official statement and a copy of an agreement reached among different groups concerned with agrarian matters. In its statement, the Government pointed out that the agreement was an example of how peaceful negociation could foster development while violence often led only to death.

189. A representative of the Government met with the Working Group at its thirty-second session session and submitted a document on behalf of the Chairman of the Inter-Agency Commission on Human Rights which stated that a number of cases should be considered clarified because internal remedies had not been exhausted in relation to them and that the information provided by the sources had not been verified, and should therefore not be considered admissible. In addition, the representative of the Government confirmed that the compensation referred to above had still not been paid.

190. In reply to this statement, the Working Group, by letter dated 14 December 1990, reminded the Government of its methods of work of which the Commission had taken note at its forty-fourth session. According to them, to transmit a case to the Government the Working Group required only the basic data mentioned in paragraph 21 which should allow the Government to undertake the necessary investigations. Regarding the question of domestic remedies, the Working Group required only that the source indicate the steps taken to determine the fate or whereabouts of the missing person or give an indication that efforts to resort to domestic remedies had been frustrated or were inconclusive. In this respect, the Working Group is inspired by its humanitarian approach and is not bound by the mechanisms foreseen in different United Nations instruments concerning the exhaustion of domestic remedies.

Statistical summary

I.	Cases reported to have occurred in 1990	1 */
II.	Outstanding cases	126
III.	Total number of cases transmitted to the Government by the Working Group	190
IV.	Government responses:	
	(a) Number of cases on which the Government has provided one or more specific responses	122
	(b) Cases clarified by the Government's responses a/	29
V.	Cases clarified by non-governmental sources b/	35

*/ This case was clarified in 1990.

a/ Persons in prison: 4
Persons at liberty: 15
Persons tried and released: 7
Persons found dead: 2
Person deported: 1.

b/ Persons found dead: 8
Persons released from detention: 12
Persons at liberty: 12
Persons escaped from a camp: 1
Persons deported: 1
Refugee forcibly returned to his country of origin: 1.

India

191. The Working Group's activities in relation to India are recorded in its last three reports to the Commission. 1/

193. During the period under review, the Working Group transmitted 15 newly reported cases of disappearance to the Government of India, of which four were reported to have occurred in 1990. The latter cases were transmitted by cable under the urgent action procedure. The Group also retransmitted to the Government a total of 16 cases containing additional information received from the sources. As regards the eight cases retransmitted by the Working Group on 14 December 1990, in accordance with its methods of work, it must be understood that the Government could not respond prior to the adoption of the present report.

193. By letters dated 28 June, 20 September and 14 December 1990, the Government was informed that, on the basis of its replies, six cases would be considered clarified provided that, within six months of the date on which the Government's reply was communicated to them, the respective families did not make any observation which required further consideration by the Group. Four of those cases were subsequently recorded as clarified. Four cases were retransmitted with the family's comments on the Government's reply.

194. In accordance with the decision taken at the Working Group's twenty-seventh session, by letters dated 31 January and 18 July 1990 the Government was reminded of reports of disappearance transmitted during the previous six months under the urgent action procedure.

195. In its communication of 28 June 1990 the Working Group also reminded the Government of all outstanding cases, and in response to a subsequent request from the Governmnt forwarded the relevant summaries.

196. By its letter dated 20 September 1990, the Working Group also informed the Government of reports it had received about developments in India having an influence on the penomenon of disappearance or on the solution of the cases not yet clarified, and invited the Government to make comments on those allegations.

197. On 20 September 1990, the Working Group also communicated one newly reported case of disappearance in Sri Lanka for which the Indian Peace-keeping Force was allegedly responsible. By deciding to bring it to the attention of the Indian Government, the Working Group, motivated by the purely humanitarian objective of its mandate, hoped that investigations would be facilitated with a view to clarifying the fate and whereabouts of the person reported missing. In accordance with the Group's methods of work, however, that case is not included in the statistical summary for India.

Information and views received from relatives of missing persons or from non-governmental organizations

198. Most of the newly reported cases of disappearance were submitted by Amnesty International and/or Sikh human rights groups, and all had occurred in the Punjab. Three of the missing persons, who had reportedly been held in unacknowledged detention from May 1989 to March 1990, were last seen as they were being driven out of a Central Reserve Police Force (CRPF) camp in Amritsar, at the very moment a warrant officer was in the camp office to implement an order from the judge of the Punjab and Haryana High Court for their release.

199. According to reports of a general nature received during the year, the Indian police does not record all arrests, and there were allegations that both police and paramilitary forces had been given far-reaching powers in the states of Punjab and Jammu and Kashmir.

200. Furthermore, as human rights groups were becoming active, the Government had started to detain relatives of those who testified about violations. One report cited the case of the uncle of one missing person who was arrested because he had supplied information to a human rights group. He was detained for 15 days, during which he was allegedly tortured, but no charges were brought against him and local public pressure had caused him to be released.

201. With its letter dated 26 October 1990, Amnesty International forwarded a copy of its recent report entitled "Amnesty International's Current Concerns in India". According to the report, established legal guarantees had been suspended in response to increased armed opposition facing the Government in several parts of the country, notably in the states of Punjab and Jammu and Kashmir. The Armed Forces Special Powers Act, for example, which applied in several north-eastern states and now also in the state of Jammu and Kashmir, gave the security forces the power to make arrests without warrant and granted them immunity from prosecution. Detainees were often not brought before

magistrates within 24 hours of arrest, as Indian law required, and access to lawyers and relatives was denied during interrogation, when detainees were held incommunicado. In an increasing number of cases reported from Punjab and Jammu and Kashmir, the habeas corpus remedy had proved ineffective, and Amnesty International's report again stressed that that legal remedy was not always available to many poor and illiterate victims since habeas corpus petitions could only be filed in the High Courts.

202. Amnesty International was particularly concerned at the detention without trial or charge of several thousand political prisoners under "anti-terrorist" or preventive detention laws, and the report alleged that many disappearances occurred after arrest. In its report, Amnesty International pointed out that the two main laws permitting preventive detention in India - the National Security Act (NSA), 1980, and the Jammu and Kashmir Public Safety Act, 1978 - permit up to one year's detention without trial or charge.

Information and views received from the Government

203. By letters dated 17 January, 30 April, 6 July, 10 September and 29 November 1990, the Government provided information on cases of disappearance previously transmitted by the Working Group. The Government advised that two missing persons were presently in jail, one was in police custody, two others had been released and were now living in their respective villages, and one missing person had been killed "in an encounter"; that in five cases the Punjab police had no information on the missing persons, in nine cases the missing persons had neither been arrested nor were in the custody of the State Police Department, and that investigations could not be made in another two cases due to incomplete addresses. At the time of the reported disappearance in September 1989 of the person now in police custody, fears were expressed that he might have been killed by police after his alleged escape from detention. According to the Government reply, he was rearrested in June 1990.

Statistical summary

I.	Cases reported to have occurred in 1990	4
II.	Outstanding cases	90
III.	Total number of cases transmitted to the Government by the Working Group	107
IV.	Government responses:	
	(a) Number of cases on which the Government has provided one or more specific responses	35
	(b) Cases clarified by Government's responses a/	17

a/ Persons whose bodies were identified: 13
Persons in prison: 2
Persons released: 2.

Indonesia

Information reviewed and transmitted to the Government

204. The Working Group's activities in relation to Indonesia are recorded in its last ten reports to the Commission. 1/

205. During the period under review, the Working Group did not transmit any newly reported cases of disappearance to the Government of Indonesia, but retransmitted two cases reflecting the source's comments on the Government's reply.

206. By letters dated 28 June and 20 September 1990, the Government was notified that two cases were now considered clarified, one based on its reply and the other on the basis of further information provided by the source.

207. In its communication of 28 June 1990, the Working Group also reminded the Government of all outstanding cases.

Information and views received from relatives of missing persons or from non-governmental organizations

208. In a letter dated 12 July 1990, the source provided the respective family's comments on the Government's reply that two missing persons had been released from detention on 18 August 1984. According to the family, the two brothers were known to be still in Laksusda/Bakorstanasda custody on the alleged date of their release.

209. By its communication dated 3 September 1990, Amnesty International advised the Group that it had learned that one missing person was in jail and might face charges of alleged involvement with the resistance. He had last been seen in May 1989 in the custody of the security forces.

210. During the year, the Working Group also received reports of a general nature from Amnesty International, as well as from two other non-governmental organizations, the Canada-Asia Working Group and the Acheh/Sumatra National Liberation Front. Concern was expressed that no mechanism yet existed for the systematic public reporting of human rights violations, including those on East Timor.

211. No written information on the human rights situation in East Timor had emerged since the papal visit of October 1989, and there was allegedly justifiable fear that those who did report such violations would themselves become victims. The Indonesian Government's continued restrictions on access to East Timor by international human rights observers severely compromised the right to promote human rights in that territory. Many of the persons who had been reported as disappeared had allegedly been held in unacknowledged military or police detention.

Statistical summary

I.	Cases reported to have occurred in 1990	0
II.	Outstanding cases	38
III.	Total number of cases transmitted to the Government by the Working Group	73
IV.	Government responses:	
	(a) Number of cases on which the Government has provided one or more specific responses	27
	(b) Cases clarified by the Government's responses a/	23
V.	Cases clarified by non-governmental sources b/	12 c/

a/ Persons detained in prison: 6
Persons currently residing in named villages: 17.

b/ Persons found to be alive: 8
Persons in prison: 2
Persons killed: 2.

c/ Three cases clarified by both the Government and the source are included in IV(b) only.

Iran (Islamic Republic of)

Information reviewed and transmitted to the Government

212. The Working Group's activities in relation to the Islamic Republic of Iran are recorded in its last nine reports to the Commission. 1/

213. During the period under review, the Working Group transmitted 58 newly reported cases of disappearance to the Government of Iran, seven of which were reported to have occurred in 1990. One of these cases was transmitted by cable dated 25 July 1990, under the urgent action procedure. However, by letter dated 20 September 1990, the Government was notified that this case had been considered clarified by the Group on the basis of information received from the source. As regards the 45 newly reported cases transmitted by the Working Group on 14 December 1990, in accordance with its methods of work, it must be understood that the Government could not respond prior to the adoption of the present report.

214. In accordance with the decision taken at the Working Group's thirtieth session, by letter dated 28 June 1990, the Working Group reminded the Government of the 393 outstanding cases transmitted in the past, in the earnest hope that all possible efforts would be made to clarify them.

Information and views received from relatives of missing persons or from non-governmental organizations

215. The newly reported cases of disappearance were submitted by the People's Mojahedin Organization of Iran and a relative. According to the information submitted, these persons had disappeared after they were arrested by members of the Pasdaran and the Islamic Revolutionary Committees (Komitehs).

216. Since its last report to the Commission on Human Rights, the Working Group has received several reports about arrests of persons suspected of political activities in circumstances which allegedly do not permit the relatives of the arrested person to be informed either of the arrest or of the person's subsequent whereabouts. It was reported that many such arrests were carried out, without written authorization of the public prosecutor, by the Islamic Revolutionary Committees (Komitehs) and the Pasdaran members. Such detainees were said to be held in incomunicado detention, frequently for extended periods of solitary confinement. They were reportedly completely isolated from any contacts with their family, friends, legal counsel and outside medical attention.

Statistical summary

I.	Cases reported to have occurred in 1990	7
II.	Outstanding cases	450
III.	Total number of cases transmitted to the Government by the Working Group	451
IV.	Government responses:	
	(a) Number of cases on which the Government has provided one or more specific responses	0
	(b) Cases clarified by the Government's responses	0
V.	Cases clarified by non-governmental sources a/	1

a/ Person in prison: 1.

Iraq

Information reviewed and transmitted to the Government

217. The Working Group's activities in relation to Iraq are recorded in its last six reports to the Commission. 1/

218. During the period under review, the Working Group transmitted 464 newly reported cases of disappearance to the Government of Iraq. Three hundred and fifty three cases were transmitted by a letter dated 28 June 1990 and concerned cases of persons who disappeared in late August 1988; 111 cases were transmitted by a letter dated 20 September 1990 concerning persons who disappeared between 1978 and 1987.

219. By a letter dated 28 June 1990, the Government was notified that 31 cases were now considered clarified based on its replies. By the same letter the Government was informed that three further cases would be considered clarified provided the sources did not raise objections within six months. By a letter dated 20 September 1990, the Working Group retransmitted five cases on which new information had been received from the sources.

220. Furthermore, the files of the Working Group were revised and it was found that five cases had been transmitted erroneously in the past due to misspelling of names. The statistics were adjusted and the Government informed accordingly.

221. In its communication of 28 June 1990 the Working Group also reminded the Government of all outstanding cases. By a letter dated 30 November 1990 the Working Group informed the Government of reports it had received from non-governmental organizations expressing general concern about the situation in that country and the effect developments were having on the phenomenon of disappearance.

222. By a note verbale dated 8 May 1990 the attention of the Permanent Mission of Iraq to the United Nations Office at Geneva was drawn to the letters by the Chairman of the Working Group on Enforced or Involuntary Disappearances dated 8 and 29 July and 9 December 1988, by which the Group transmitted to the Permanent Mission a full description and a list of names concerning the alleged disappearance of 2,280 Barzani Kurds, indicating that all of them had reportedly disappeared on 30 July 1983. Copies of the above-mentioned letters of the Chairman as well as another copy of the summary description of the reported disappearances, together with a detailed computer print-out of the 2,280 cases was attached.

223. Also by a letter dated 20 September 1990 the Working Group emphasized that according to its methods of work as endorsed by the Commission on Human Rights, it could transmit cases of disappearance only to Governments of countries in which they were alleged to have occurred. Since the Working Group had received reports complying with its criteria of admissibility for all of the 2,280 Barzani Kurds, alleging that these persons had been arrested on Iraqi territory on 30 July 1983 by members of the Iraqi army, the cases could not be referred to other Governments or institutions as suggested in the Government's note verbale of 20 July 1990.

Information and views received from relatives of missing persons or from non-governmental organizations

224. During its sessions, the Group met representatives of the Organization of Human Rights in Iraq who made a statement on disappearances in Iraq and submitted cases to the Working Group. The cases concerned persons who disappeared between 1978 and 1987. The highest number of cases reportedly occurred in 1980, 1981, 1982, 1984, 1985 and 1987; the victims belonged to different social strata (artisans, drivers, farmers, traders, tailors, barbers, lawyers, business persons, accountants, students, teachers, members of the armed forces) and allegedly been arrested in different places (e.g. Baghdad, Al-Najaf, Al-Koot, Sulaimania, Karballa, Arbil, Kirkook, Al-Bassra, Al-Emara, Al-Moosul, Halabchah, Al-Nasseria, Waset) by state security services, on suspicion of belonging to groups in opposition to the Government. Ninety of the reported cases concerned young men born in the 1950s and 1960s. Two cases concerned housewives. One case concerned a religious leader who was 80 years old at the time of his arrest and who allegedly lost his sight because of mental and physical torture.

225. A further 353 cases were submitted by the League of Kurdish Jurists and concerned male Iraqi Kurds, mostly civilians, who were allegedly abducted by Iraqi armed forces in late August 1988. According to the report, the Iraqi army had moved on 27, 29 and 30 August into the Bere Gara and Rekan regions in the district of Amadya and indiscriminately arrested entire families. The men, mostly farmers and sheep breeders, were separated from their respective families and transferred to the Dahok Qa "Castle", where they were allegedly tortured and beaten by military intelligence during interrogation sessions, while members of their families were taken to the Baherk resettlement camp near Arbil. Most of the men arrested were KDP (Kurdistan Democratic Party) supporters and were reportedly seen for the last time on 1 September 1988.

226. Several reports of a general nature were received during the year from the International Organization for the Defence of Human Rights in Iraq, Middle East Watch and Amnesty International.

227. It was reported that most Iraqis arrested for political or security offences disappeared during a certain time. When this occurred, the relatives assumed that the missing persons were in detention. However, inquiries generally went unanswered and sometimes they entailed the arrest of other family members or friends.

228. Reference was made to constitutional order no. 840 section 1, article 42, law no. 225 published by the Iraqi Government on 11 July 1986 in the Al Wagaae Newsletter by which a person could be detained by the security forces without a warrant for, inter alia, expressing opinions or criticizing the Government, holding books or other printed material or even listening to or reading news from foreign media.

229. The number of missing persons was estimated to be in the thousands. The most massive instance of disappearance known to have occurred in Iraq was that involving the Kurdish Barzani tribesmen taken from camps at Qushtapa and Diyana in Arbil province on 30 July 1983. Two thousand two hundred and eighty such cases were transmitted to the Government by the Working Group, with some organizations suggesting that there were many more cases of disappearance of Kurdish Barzani tribesmen for which information was incomplete. This was due to the fact that relatives and the population in general feared reprisals if they reported cases eigth to the authorities or to international organizations.

230. It was alleged that, in fact, the most relatives dared to do was to seek information through personal channels since the denunciation of human rights violations would put at risk the security of the person presenting the report. Such an atmosphere of insecurity explained the refusal of witnesses to testify and the reluctance of lawyers to denounce cases of disapparance.

231. One of the organizations mentioned above expressed particular concern about the Iraqi Kurds who were living in Turkey and were forced to return to Iraq after several amnesties had been granted by the latter since September 1988. However, numerous reports had since been received on the disappearance, torture and execution of Kurds and other Iraqis who had sought to benefit from amnesty laws.

Information and views received from the Government

232. By a note verbale dated 10 May 1990, the Permanent Mission of Iraq to the United Nations Office at Geneva provided 17 replies on cases concerning persons who had been released from prison, others who were sentenced to

imprisonment, one person who was sentenced to death and another who was killed during an encounter with the police. Five of those replies concerned cases that were never submitted to the Working Group. A further three cases could not be identified as having been transmitted by the Working Group to the Government of Iraq. In three cases mentioned above the Working Group decided to apply the six-month rule (see E/CN.4/1988/19, para. 27).

233. By a note verbale dated 10 January 1990 the Permanent Mission replied to a letter sent by the Working Group on 15 December 1989 concerning an error in the statistical summary (E/CN.4/1990/13, para. 192). The Mission objected to the number of disappearances (2,876) cited in the above-mentioned letter on the grounds that the majority (2,280) of the persons who allegedly disappeared belonged to the Barzani clan (E/CN.4/1989/18, para. 188). It also stated that since no dates of disappearance or arrest were specified it was impossible to give a reply on those cases which consequently should not be included among the cases of disappearance. If precise and detailed information was provided on the remaining 596 cases, the competent Iraqi authorities would continue to co-operate with the Working Group with a view to providing the requested replies.

234. By notes verbales dated 10 May and 20 June 1990, the Permanent Mission provided the following replies concerning the Barzani clan:

> "The areas of Iraq which are inhabited by the Barzani clan were the scene of a number of military operations during the Iraq-Iran war when Iranian forces attacked the areas of Haj Umran, Banjwin, Choarta and Sidikan in northern Iraq in 1982, 1983 and 1984. That clan collaborated with the invading forces and facilitated their entry into those areas after providing them with all the reconnaissance information that they required. The clan also actually participated in the battles against Iraqi military units, as a result of which many of its members were killed.
>
> "When Iraqi forces recovered control over those areas and forced the Iranian forces to retreat across the Iraqi frontier into Iran, many members of that clan fled with the retreating hostile forces. In view of these events, during which many of them were killed during the battles and some of them fled to Iran, it is difficult for the Iraqi authorities to investigate the truth of the allegations contained in the note received from the Centre for Human Rights and, at the present time, it is impossible to ascertain the whereabouts of the persons who allegedly disappeared."

235. The Permanent Mission suggested that for the above-mentioned reasons the cases of disappearance of 2,280 persons from the Barzani clan should be closed. It further suggested that the Iranian authorities should be contacted to ascertain the fate of the Barzani Kurds who had allegedly disappeared. The International Committee of the Red Cross could also be requested to make representations to the Iranian side for the same purpose.

236. The Working Group met a representative of the Iraqi Government during its thirty-second session at which time he reiterated the above-mentioned position of his Government.

Statistical summary

I.	Cases reported to have occurred in 1990	0
II.	Outstanding cases	3,420
III.	Total number of cases transmitted to the Government by the Working Group	3,504
IV.	Government responses:	
	(a) Number of cases on which the Government has provided one or more specific responses	134
	(b) Cases clarified by the Government's responses a/	67
V.	Cases clarified by non-governmental sources b/	17

a/ Persons living abroad: 3
Persons in prison: 2
Persons released from detention: 27
Persons executed: 10
Persons at liberty: 18
Persons not detained in the country: 3
Persons dead: 4.

b/ Persons executed: 4
Person released from detention: 4
Person dead: 1
Persons at liberty: 8.

Lebanon

Information reviewed and transmitted to the Government

237. The Working Group's activities in relation to Lebanon are recorded in its last seven reports to the Commission. 1/

238. No cases of disappearance were reported to have occurred in 1990. However, by a letter dated 28 June 1990, the Working Group reminded the Government of the 242 outstanding cases transmitted in the past. The Government has provided no information on any of those cases; the Group, therefore, is still unable to report on the fate or whereabouts of the missing persons.

Statistical summary

I.	Cases reported to have occurred in 1990	0
II.	Outstanding cases	242
III.	Total number of cases transmitted to the Government by the Working Group	247
IV.	Government responses	0
V.	Cases clarified by non-governmental sources a/	5

a/ Persons released: 5.

Mauritania

Information reviewed and transmitted to the Government

239. During the current year the Working Group transmitted to the Government of Mauritania, under the urgent action procedure, one case of enforced or involuntary disappearance which reportedly occurred in 1990.

Information and views received from relatives of missing persons or from non-governmental organizations

240. The Working Group also received from Amnesty International reports of a general nature alleging that many people belonging to the "Hal-pulaar" ethnic groups in the south of the country had been the victims of summary executions and torture carried out by government forces and the Haratine militia. However, Amnesty International has only produced one concrete case of disappearance, i.e. the case of a 21-year-old man taken away by members of the National Guard in a village in south Mauritania during a nightly curfew.

Statistical summary

I.	Cases reported to have occurred in 1990	1
II.	Outstanding cases	1
III.	Total number of cases transmitted to the Government by the Working Group	1
IV.	Government responses	0

Mexico

Information reviewed and transmitted to the Government

241. The Working Group's activities in relation to Mexico are recorded in its second and fourth to tenth reports to the Commission. 1/

242. During the period under review, the Working Group transmitted five newly reported cases of disappearance to the Government of Mexico, of which three were reported to have occurred in 1990. Three of those cases were transmitted

by cable under the urgent action procedure. The Group also retransmitted to the Government a total of three cases containing additional information received from the sources. As regards the two cases transmitted by the Working Group on 14 December 1990, in accordance with its methods of work, it must be understood that the Government could not respond prior to the adoption of the present report.

243. By letters dated 28 June 1990 the Government was notified that one case was now considered clarified based on its reply. By letters dated 20 September and 14 December 1990 the Government was informed that three additional cases would be considered clarified provided the sources did not raise objections within six months.

244. In its communication of 28 June the Working Group also reminded the Government of all outstanding cases.

245. The Working Group also transmitted to the Government, by letters dated 28 June and 20 September 1990, allegations of intimidation, reprisals or harassment against members of non-governmental organizations, drawing to its attention paragraph 12 of resolution 1990/30 and paragraph 2 of resolution 1990/76.

246. By its letter of 20 September 1990, the Working Group also informed the Government of reports it had received about developments in Mexico having an influence on the phenomenon of disappearance or on the solution of the cases not yet clarified, and invited the Government to make any comments on those allegations.

Information and views received from relatives of missing persons or from non-governmental organizations

247. The new cases transmitted to the Government during 1990 were reported by the Latin American Federation of Associations of Relatives of Disappeared Detainees (FEDEFAM) and the Independent National Committee for the Defence of Prisoners, Persecuted and Missing Persons and Political Exiles (CNI). In addition, reports on the human rights situation in Mexico were received from Amnesty International, Americas Watch, the Mexican Academy on Human Rights, and the Minnesota Lawyers Human Rights Committee.

248. The cases transmitted during the period covered by this report occurred in 1990 (three cases), in 1988 (one case) and in 1974 (one case). Two of the cases which occurred in 1990 concerned persons arrested after a press conference convened by the National Popular Democratic Front (FNDP). The third case concerned the disappearance of a former policeman who had allegedly left the Federal Judicial Police because of his disagreement with certain practices, such as corruption.

249. The case which occurred in 1988 is that of a legal adviser and municipal assistant for a community who was representing the community in a dispute with a local authority over community lands. He had reportedly been arrested by members of the Judicial Police in plainclothes and subsequently disappeared. The case which occurred in 1974 concerned a member of a land occupation movement who had allegedly been arrested and seen in detention in a military camp.

250. Non-governmental organizations reported that the new Government had announced that disappearances which occurred during the period 1970 to early 1980 would be analysed on a case-by-case basis in an attempt to resolve the matter to the satisfaction of all parties involved; however, relatives complained that, so far, no results had been reported to them. Similarly, the disappearance of a member of an opposition party in December 1988 also remained unclarified. In relation to this case, a Special Commission had been appointed for the purpose of expediting the investigation, but no concrete results of its work had been reported. Relatives of the missing person complained that many irregularities had been committed in the investigation of this case, including several false hypothesis advanced by persons linked to the police and other investigating bodies with the intention of clearing the Government of responsibility. The investigation was allegedly delayed by steps taken to investigate such hypothetical assumptions which were proved false after evidence disclosed that they had been fabricated by official sources.

251. Non-governmental organizations also reported persecution of organizations and individuals concerned with human rights. They mentioned, in particular, the assassination of lawyer Norma Corona Sapiens on 21 May 1990, who had campaigned for human rights and against police abuses, torture and disappearances over the past 15 years. Only a few days before her murder, a law punishing the practice of torture in the state of Sinaloa was adopted by the parliament of that state. They also mentioned the arrest of some 300 persons during a raid carried out by police forces on 4 August 1990 at the offices of a human rights organization during which documents, typewriters and office supplies were destroyed.

Information and views received from the Government

252. By notes verbales dated 13 and 16 August, 12 September and 13 November 1990, the Government of Mexico provided information on the three cases transmitted to it that occurred in 1990 and on a case which occurred in 1980. In two of the cases, the information indicated that the persons concerned had never been detained by agents of the Judicial Police and that the Independent National Committee for the Defence of Prisoners, Persecuted and Missing Persons and Political Exiles (CNI), in a letter addressed to the Attorney General, had admitted that the missing persons had gone into hiding for several days. In relation to a third case, the Government reported that a preliminary investigations had not yet resulted in the missing person being traced. The reply on the 1980 case indicated that the National Commission on Human Rights had located the person concerned, who was working in a university school in Mexico after having been sentenced by a court and released in 1982.

253. Concerning the disappearance of a member of an opposition party in December 1988, the Government replied that, in spite of the inquiries made by the Special Public Prosecutor's Office, it had not yet been possible to locate him.

254. In relation to the assassination of lawyer Norma Corona Sapiens, by note verbale dated 16 August 1990 addressed to the Special Rapporteur on summary or arbitrary executions, the Government provided a report on the investigation of this crime which led to the identification and detention of those responsible for it.

255. By a note verbale dated 12 September 1990, the Government provided information on the activities of the National Commission on Human Rights, which was in charge of monitoring respect for human rights standards set out in the Mexican Constitution and in the international conventions to which Mexico was a party. The National Commission had received the files on disappearances compiled by the former Human Rights Office within the Ministry of the Interior.

256. With the purpose of upholding the commitment made to relatives of alleged missing persons and their organizations to use every means available to establish conclusively the facts regarding those allegations, the National Commission was considering the inter-institutional methods and processes which could be used to study the files on the alleged missing persons, seek additional information, if appropriate, and draw each investigation to a close.

257. Furthermore, by the same note verbale, the Government informed the Working Group that several working meetings had been held at the Ministry of the Interior with leaders of a non-governmental organization representing the relatives in most of the cases concerned and that the President of the Republic had granted an audience to the leaders of that organization on 17 April 1990.

258. By a note verbale dated 13 November 1990, the Government informed the Working Group that an Inter-Agency Working Group established under presidential decreee published on 6 June 1990 would study, on a case-by-case basis, all the reports transmitted by the Working Group on Enforced or Involuntary Disappearances with a view to clarifiying them. The clarification of a case that allegedly occurred in 1980 provided a demonstration of what could be done by governmental institutions, the relatives and non-governmental organizations working in conjunction. It was for this reason that the National Commission on Human Rights wished that outstanding representatives of Mexican civil society be associated with it and participate in its work.

259. The everyday and procedural difficulties of locating some of the persons reported missing should not be overlooked. There was a constant flow of Mexican emigrants to the United States, where there was not necessarily a record of their whereabouts, changes of identity and internal migrations occurred in the states with the highest incidence of disappearances and information was not always available on the new identity or whereabouts of those persons. Time inevitably constituted a major difficulty, particularly as Mexican society had undergone significant population changes over the last 20 years. Events which had taken place in regions with a high level of population mobility made reconstruction, the finding of reliable informants, etc. difficult.

260. The National Commission on Human Rights was thoroughly aware of the reports and methods of work of the Working Group on Enforced or Involuntary Disappearances and had recognized that its rules were clear and coherent. Therefore, the Government ratified its position to continue co-operating with the Working Group in the clarification of cases.

261. The Working Group has also received copies of two bulletins published by the National Commission on Human Rights, containing information on the activities of the Commission and its recommendations in cases that were reported to it. The Working Group examined the National Commission's recommendations to the Government and found that their implementation would greatly contribute to improving the situation in relation to the cases considered by the Commission.

Statistical summary

I.	Cases reported to have occurred in 1990	3
II.	Outstanding cases	219
III.	Total number of cases transmitted to the Government by the Working Group	257
IV.	Government responses	
	(a) Number of cases on which the Government has provided one or more specific responses	214
	(b) Cases clarified by the Government's responses a/	38

a/ Persons reported dead: 37
Person at liberty: 1.

Morocco

Information reviewed and transmitted to the Government

262. The Working Group's activities in relation to Morocco are recorded in its previous ten reports to the Commission. 1/

263. No cases were reported to have occurred in 1990. However, the Working Group transmitted to the Government of Morocco 91 newly reported cases of disappearance, the majority of them dating back to the 1970s. Two of those cases were transmitted by cable under the urgent action procedure.

264. By letter dated 18 July 1990, the Government was reminded of reports of disappearance transmitted during the previous six months under the urgent action procedure and by letter of 28 June the Working Group also reminded the Government of all outstanding cases.

265. By letter dated 20 September 1990, the Working Group also informed the Government of reports it had received about developments in Morocco having an influence on the phenomenon of disappearance or on the solution of the cases not yet clarified, and invited the Government to make comments on those allegations.

Information and views received from relatives of missing persons or from non-governmental organizations

266. The newly reported cases transmitted to the Government were submitted by the Association of Relatives of Sahraoui Prisoners and Detainees (AFAPREDESA). The majority of them reportedly occurred in the late 1970s in places such as Laayoune, Leboirat and Smara. The forces often cited as responsible were the Gendarmerie Royale Marocaine, the police and the armed forces.

267. It was also reported that more than 400 disappeared persons were being detained in secret prisons in Morocco, isolated from any contact with the outside world. These persons were said to be mainly: militants belonging to

the nationalist movement, arrested during the period 1958 to 1963; two groups of military personnel involved in the two attempted coups d'état of 1971 and 1972; trade unionists and associated activists; people of Western Saharan origin suspected of opposing Moroccan rule in the Western Sahara and supporting the Polisario Front organization, or their relatives.

268. Two factors reportedly contributed to this situation: first, the existence of police groups trained in the practices of sequestration and torture, without being required to answer for their acts to any jurisdiction; second, the existence of certain provisions in the Moroccan Criminal Code which made it possible, with the leniency of certain magistrates, to extend the duration of detention. Thus, it would seem that many critics and opponents of the Government had been subjected to imprisonment without trial for long periods in garde à vue detention and denied access to legal counsel, their families or independent medical examination. Judicial supervision of garde à vue and subsequent pre-trial detention seemed to be virtually non-existent. These practices, in consequence, facilitated the phenomenon of disappearance.

269. In connection with the persons arrested in the Western Sahara and subsequently disappeared, it was reported that no written proof of detention existed because it was considered that no trial would take place and that any record of the act might be used as evidence against the authorities who denied responsibility for any of the arrests. It was also reported that individuals expressing any interest in the condition, fate or whereabouts of the detainees or even attempting to deliver food or clothing to them, let alone filing legal proceedings against their unacknowledged detention, incurred the risk of sharing the same fate,

Information and views received from the Government

270. By note verbale dated 26 January 1990, the Permanent Mission of Morocco to the United Nations Office at Geneva acknowledged receipt of two cases of disappearance transmitted by the Working Group at the end of 1990, and indicated that many Moroccan citizens were kept in concentration camps situated on the other side of the Moroccan borders; this could be the case of the two reportedly missing persons.

271. By note verbale dated 5 April 1990, the Permanent Mission transmitted a statement made by the Moroccan delegation at the forty-sixth session of the Commission on Human Rights which affirmed that Morocco had always co-operated with human rights bodies and would make every effort to provide accurate information, verified by the competent authorities, about allegations brought to its attention.

272. By another note verbale of 19 April 1990, the Permanent Mission pointed out that those who made allegations did not reveal where their information had come from, nor did they give sufficiently precise details of the true identity of the persons said to have disappeared, their place of birth, activities and occupations or identify those supposedly responsible for their arrest or abduction. Such information was vital if investigations were to be conducted for the benefit of the families of the alleged victims and if rights and freedoms were to be respected. Furthermore, such allegations generally did not specify the reason for the arrests in question. They seemed deliberately to ignore the fact that Morocco was a State governed by the rule of law.

273. The Government of Morocco also pointed out that use should be made of the Working Group on Enforced or Involuntary Disappearances only if it had been ascertained that the procedures governing the admissibility of communications alleging human rights violations had been respected with regard to the conditions to be observed by the information source and, above all, that available domestic remedies had been exhausted.

274. In this connection, parents or other relations of people who had allegedly disappeared, or any humanitarian organization concerned about their fate - provided they were acting in good faith and were directly acquainted with and confident of the situation they describe - should, before approaching the Working Group, first exhaust all available domestic remedies in Morocco. Such remedies were the following:

(a) Complaints at the judicial level to the King's Prosecutors, in accordance with the Code of Criminal Procedure, the Public Freedoms Act of 15 November 1958 and the 1972 Constitution of the Kingdom of Morocco, which guarantees the rights and freedoms of all Moroccan citizerns;

(b) Recourse to the Ministry of Justice;

(c) Recourse to the Complaints Office of the Royal Cabinet.

275. Nevertheless, the Government of Morocco, demonstrating its good will and respect for its international commitments, conducted an investigation through the Ministry of Justice, which established that the names of the people in question were not on the registers of any Moroccan prisons. Similarly, they were not facing prosecution, the subject of judicial enquiries or standing trial.

276. In reply to those notes verbales, the Working Group reminded the Government of its methods of work, of which the Commission on Human Rights had taken note at its forty-fourth session. In accordance with them, the Working Group constantly urges the sources of reports to furnish as many details as possible on the identity of the missing person; however, in order to transmit a case to a Government the Group requires only the basic data mentioned in paragraph 21 of the methods, which should allow a Government concerned to take up the necessary investigations. Regarding the question of domestic remedies, to transmit a case to a particular Government the Working Group requires only that the source gives an indication of the steps taken to determine the fate or whereabouts of the missing person or an indication that efforts to resort to domestic remedies were frustrated or inconclusive. In this respect the Working Group is inspired by its humanitarian approach and is not bound by the mechanisms foreseen in different United Nations instruments concerning the exhaustion of domestic remedies. With reference in particular to the cases transmitted by the Working Group to the Moroccan Government, the sources have often indicated that any step taken to initiate judicial proceedings would incur the risk of sharing the fate of the missing person.

277. Finally, by note verbale dated 16 May 1990, the Permanent Mission informed the Centre for Human Rights of the establishment of an Advisory Council for Human Rights in Morocco.

Statistical summary

I.	Cases reported to have occurred in 1990	0
II.	Outstanding cases	108
III.	Total number of cases transmitted to the Government by the Working Group	113
IV.	Government responses	
	(a) Number of cases on which the Government has provided one or more specific responses	0
	(b) Cases clarified by the Government's responses	0
V.	Cases clarified by non-governmental sources a/	5

a/ Persons released: 5.

Mozambique

Information reviewed and transmitted to the Government

278. The Working Group's activities in relation to Mozambique are recorded in its last two reports to the Commission. 1/

279. During the period under review, the Working Group received no new reports of disappearances in Mozambique, but by a letter dated 28 June 1990 the Government was reminded of the one case transmitted in the past which remains unclarified. There has been no response from the Government, however, and the Working Group regrets that it is again unable to report to the Commission on the results of any investigations which might have been carried out.

Statistical summary

I.	Cases reported to have occurred in 1990	0
II.	Outstanding cases	1
III.	Total number of cases transmitted to the Government by the Working Group	1
IV.	Government responses	0

Nepal

Information reviewed and transmitted to the Government

280. The Working Group's activities in relation to Nepal are recorded in its last four reports to the Commission. 1/

281. During the period under review, the Working Group received no new reports of disappearance in Nepal, but by a letter dated 28 June 1990 the Government was reminded of the four cases transmitted in the past which remain unclarified. There has been no response from the Government, however, and the Working Group regrets that it is again unable to report to the Commission on the results of any investigations which might have been carried out.

Statistical summary

I.	Cases reported to have occurred in 1990	0
II.	Outstanding cases	4
III.	Total number of cases transmitted to the Government by the Working Group	5
IV.	Government responses	0
V.	Cases clarified by non-governmental sources a/	1

a/ Person released: 1.

Nicaragua

Information reviewed and transmitted to the Government

282. The Working Group's activities in relation to Nicaragua are recorded in its previous reports to the Commission. 1/

283. During the period under review, the Working Group transmitted 11 newly reported cases of disappearance to the Government of Nicaragua, of which two were reported to have occurred in 1990. As regards the 11 cases transmitted by the Working Group on 14 December 1990, in accordance with its methods of work, it must be understood that the Government could not respond prior to the adoption of the present report.

284. By letter dated 28 June 1990, the Government was notified that one case was now considered clarified, based on a reply previously received from it.

285. In its communication of 28 June 1990, the Working Group also reminded the Government of all outstanding cases.

286. At the request of the Government, by note verbale dated 20 April 1990, the Working Group provided it with summaries of all outstanding cases.

Information and views received from relatives of missing persons or from non-governmental organizations

287. The cases transmitted to the Government during 1990 were submitted by the Nicaraguan Committee on Human Rights (Brussels) and the Permanent Commission for Human Rights in Nicaragua (Managua). One such case occurred in 1979, one in 1983, one in 1985, one in 1986, one in 1987, five in 1989 and two in 1990. The forces considered responsible for the disappearances are in five cases the Sandinist police, in five cases the General Directorate for the Security of the State (DGSE), in three cases the army and in one case the Frontier Guard. Six of the missing persons were seen in prison after their arrest, and in three of those cases the persons had been imprisoned for more than 10 years and were supposed to be released after having been granted amnesty. In one case the person had been released from prison and was subsequently arrested and disappeared. In the last four cases, the missing persons had been members of the former Somoza National Guard or had held government posts during the Somoza regime.

288. Two of the missing persons were political activists for the opposition, two had been accused of counter-revolutionary activities and two had been imprisoned on common crimes charges although her relatives alleged that the real reason was her links with counter-revolutionary forces.

289. Another group of disappearances is related to military service. In one case, the person disappeared while he was performing his military service. His family was informed by officers that he had deserted and had subsequently been detained. In two cases, the persons were in hiding to avoid being incorporated into the army when they were arrested and disappeared.

290. The Permanent Commission on Human Rights in Nicaragua reported that an amnesty law was enacted on 12 March 1990 by which amnesty was granted for any illegal acts committed between 19 July 1979 and the date of enactment of the law. It also expressed the view that, despite achievements attained since the new administration took power, the State Security continued to have its staff in different areas of the Ministry of Interior and to pressure its "political enemies". The prisons were still controlled by the same military chiefs who had become well known over the years for their repression of political prisoners. Some members of the governing party had been killed by civilians supposed to belong to the previous governing party. Also, a clandestine cemetery was found on Mount Mokoron, in the northern department of Jinotega in which the corpses of ten persons arrested by the State Security and the army were identified by relatives. The investigation of these cases had been left in the hands of the military tribunal and the Solicitor General, which were not investigative entities, and several officials had indicated that those who committed such crimes had already been absolved by the amnesty law

291. The Central American Commission on Human Rights stated that several thousand persons had disappeared in Nicaragua during the period 1980-1987 and many of the reports of these disappearances pointed to the involvement of the counter-revolutionary forces, which opened clandestine prisons in Honduras. The Commission requested that investigations into the fate of the missing persons should be carrried out by the Governments of Honduras and Nicaragua and that the responsibilities for such cases should be established.

Information and views received from the Government

292. Representatives of the Government of Nicaragua met with the Working Group at its thirtieth session. They said that the election held in their country had demonstrated a high degree of responsibility and participation on the part of the population. The election had taken place peacefully, in the presence of thousands of international observers who witnessed that people had voted for peace and national reconciliation.

293. After the election, the new administration promulgated a broad amnesty law covering all political and related ordinary offences committed by Nicaraguan citizens prior to the date of publication of the act (1 May 1990). The amnesty extended to persons under arrest who had been tried, persons who had been convicted, persons awaiting trial, persons who were not under arrest, convicted persons who had served their sentences and persons who had been granted a reprieve.

294. The representative of the Government recommended that, taking into account the policy of reconciliation of the Nicaraguan Government, the Working Group should not keep outstanding cases in its files since according to Nicaraguan internal legislation such cases will not be investigated and those responsible for them will not be punished.

295. The members of the Working Group explained to the representatives of Nicaragua the Working Group's methods of work, in particular those related to the clarification of cases.

Statistical summary

I.	Cases reported to have occurred in 1990	2
II.	Outstanding cases	101
III.	Total number of cases transmitted to the Government by the Working Group	232
IV.	Government responses:	
	(a) Number of cases on which the Government has provided one or more specific responses	175
	(b) Cases clarified by the Government's responses a/	112
V.	Cases clarified by non-governmental sources	19

a/ Persons in prison: 7
Persons dead: 64
Persons at liberty: 16.
Persons who joined counter-revolutionary forces: 12
Persons abducted by counter-revolutionary forces: 2
Salvadorian fishermen not detained in the country: 11.

Paraguay

Information reviewed and transmitted to the Government

296. The Working Group's activities in relation to Paraguay are recorded in its last nine reports to the Commission. 1/.

297. It should be noted that the Group has received no reports of disappearances occurring in Paraguay since 1977. However, by a letter dated 28 June 1990, the Working Group reminded the Government of the three outstanding cases.

Statistical summary

I.	Cases reported to have occurred in 1990	0
II.	Outstanding cases	3
III.	Total number of cases transmitted to the Government by the Working Group	23
IV.	Government responses:	
	(a) Number of cases on which the Government has provided one or more specific responses	23
	(b) Cases clarified by the Government's responses a/	20

a/ Persons arrested or abducted in Argentina: 5
Persons arrested and expelled to Brazil: 4
Persons detained and released: 4
Persons whose transfer to Argentina was witnessed: 2
Persons whose transfer to Uruguay was witnessed: 2
Persons dead: 1
Persons living abroad: 2.

Peru */

Information reviewed and transmitted to the Government

298. The Working Group's activities in relation to Peru are recorded in its previous reports to the Commission 1/, as well as in the special reports on two visits to the country which took place in 1985 and 1986 (E/CN.4/1986/18/Add.1, E/CN.4/1987/15/Add.1).

299. During the period under review, the Working Group transmitted 268 newly reported cases of disappearance to the Government of Peru, of which 233 were reported to have occurred in 1990. One hundred seventy-seven of those cases

*/ Mr. Diego García-Sayán did not participate in the decisions relating to this sub-section of the report.

were transmitted by cable under the urgent action procedure. The Group also retransmitted to the Government a total of 50 cases containing additional information received from the sources. As regards the 47 cases transmitted by the Working Group on 14 December 1990, in accordance with its methods of work, it must be understood that the Government could not respond prior to the adoption of the present report.

300. By letters dated 28 June, 20 September and 14 December 1990, the Government was notified that 86 cases were now considered clarified, 12 based on its replies and 74 on the basis of further information provided by the source. The Group also informed the Government that two further cases would be considered clarified provided the sources did not raise objections within six months from the date they were informed of the Government reply.

301. In accordance with the decision taken at the Working Group's twenty-seventh session, by letters dated 31 January and 18 July 1990 the Government was reminded of reports of disappearance transmitted during the previous six months under the urgent action procedure. In its communication of 28 June 1990, the Working Group also reminded the Government of all outstanding cases.

302. The Working Group also transmitted to the Government, by letters dated 28 June and 20 September 1990, allegations of intimidation, reprisals or harassment against members of non-governmental human rights organizations and witnesses, drawing to its attention paragraph 12 of resolution 1990/30 and paragraph 2 of resolution 1990/76. In this connection, three such cases, which the Working Group considered required prompt intervention, were transmitted by cable. Five other cases were transmitted by letter.

303. By its letter of 20 September 1990, the Working Group also informed the Government of reports it had received about developments in Peru having an influence on the phenomenon of disappearance or on the solution of the cases not yet clarified, and invited the Government to make comments on those allegations.

304. In accordance with a decision taken by the Working Group at its thirtieth session, a letter dated 22 August 1990 was sent to the Government reminding it of the observations included in the reports on past missions to the country and requesting information on the subsequent consideration given to them. These observations referred in particular to the wide latitude granted by the central Government to the armed forces and the police in fighting subversion and to the institutional paralysis pertaining with respect to the protection of human rights in the emergency zones, where prosecutors were obstructed in their efforts to follow up on denunciations of disappearances, and the judiciary seemed ill at ease with habeas corpus proceeding and also lacked co-operation from the respondents. Among its recommendations, the Working Group had expressed the view that the judiciary and the Office of the Attorney General needed to be effectively guaranteed the co-operation of all branches of the executive, notably the armed forces, as well as the resources to carry out their functions properly; that members of the police and the armed forces should be taught the basic concepts of the Peruvian legal system and trained in human rights matters; that a relief programme for relatives of missing persons should be undertaken; and that security and personal safety should be enhanced so that the people in the towns and in the countryside would no longer feel threatened by violence from all sides.

Information and views received from relatives of missing persons or from non-governmental organizations

305. The cases transmitted in 1990 were received from Amnesty International, the Committee of Relatives of Disappeared Detainees and Refugees in Lima (COFADER), the Centre of Study and Action for Peace (CEAPAZ), the Episcopal Social Action Commission (CEAS), the Human Rights Association (APRODEH), the National Association of Relatives of Abducted and Disappeared Detainees in the Zone Under State of Emergency (ANFASEP), the Human Rights Commission (COMISEDH), the Latin American Federation of Relatives of Disappeared Persons (FEDEFAM) and the World Council of Churches.

306. According to reports received by the Working Group, there has been a further increase of political killings, disappearances, torture and arbitrary detentions since 1988. The Senate Commission on National Pacification reported a total of 3,198 deaths in political violence during 1989, and the President of the Commission stated that, as of 20 March, 642 deaths in political violence had already been reported in 1990. The Shining Path organization was responsible for 1,400 deaths in 1989; approximately 1,150 of the victims were unarmed or defenceless civilians. Victims included civilian authorities, trade-union leaders, left-wing leaders, peasants and journalists. To a certain extent, the Tupac Amaru Revolutionary Movement (MRTA) was also held responsible for the political violence in the country. The increase of violence in Peru was also considered to be due to the activities of paramilitary groups such as Comando Rodrigo Franco (CRF). Information received on the actions attributed to the CRF suggested that in certain areas such violations were the result of orders or the acquiescence of different government forces. While in areas administered by the military, evidence allegedly pointed to the direct responsibility of zone army chiefs for the actions claimed by the CRF, in other areas human rights organizations had linked CRF actions to the police or members of the APRA party.

307. Human rights organizations emphasized that in certain regions the population was reportedly caught in a crossfire. An important indicator of this was the tragic record of disappearances and summary executions which seemed to have recently spread beyond the emergency zones, to which they originally had been confined, to all parts of the country.

308. The practice of disappearance was said to be greatly facilitated by the armed forces' policy of denying detentions in the emergency zones. The vast majority of the disappeared persons were members of isolated peasant communities, often reportedly targeted solely because they were residents of areas in which armed insurgents were traditionally active. However, disappearances had also been reported in areas where guerrilla activities had been more recent. The reports received state that a great number of children and young people disappeared after being detained in army raids; other minors were said to be frequently held in unacknowledged detention in military bases for long periods.

309. Attacks, persecution and threats against human rights organizations, their leaders and members remain the main concerns of non-governmental organizations, which have sent numerous reports on such cases which the Working Group forwarded to the Government on several occasions. It was reported that in recent months there had been a rise in the number of attacks and threats directed at human rights activists or the premises of human rights organizations, not only in the emergency zones, as in the past, but also in Lima, where several such incidents have been

reported since the beginning of 1990. Among them the case of the disappearance of Guadalupe Callocunto, a human rights activist, was mentioned with particular concern.

310. Since June 1989, the ICRC has been authorized to visit prisons under the Ministry of Justice and since October 1989, has been granted access to the premises of the State Security Service, even in emergency zones. However, the ICRC could not enter any barracks or premises of the armed forces.

311. Unpunished offences and insecurity in the cities were considered related aspects of life in Peru. Reportedly, not only were murders and disappearances committed but those responsible were never brought to judgement and punished; and in none of the cases mentioned above had the legal authorities played their proper part. It has been pointed out that hundreds of cases of disappearance, torture and summery execution remain unclarified and their pepetrators unpunished. The trial by a military court of those held responsible for the killing of more than 100 prisoners accused of terrorism who had surrendered at a prison in Lima (Lurigancho, 1986), reportedly ended three years later with the acquittal of the majority of those involved; only two officers were found guilty and received light sentences.

312. The administration of justice in Peru was said to be ineffective both in regard to terrorism and in regard to abuses emanating from the authorities. In the emergency zones, although the right to habeas corpus remained in force, the courts generally did not implement habeas corpus to safeguard the non-derogable rights to life and personal security. Human rights organizations therefore expressed the fear that the existing situation of impunity might generate further abuses, including disappearances. According to the organizations, the solution lay not in militarizing the administration of justice but in strengthening civilian institutions and the constitutional state.

Information and views received from the Government

313. In a note verbale dated 10 November 1990 from the Permanent Mission of Peru to the United Nations Office at Geneva, it is stated that the problem of enforced or involuntary disappearances in that country must be placed in the broader context of the complex phenomenon of violence that it is experiencing. As in many developing countries, Peruvian society still displayed social and economic structures characterized by an unequal distribution of income. This fact gave rise to situations of poverty and injustice which often provoked social tensions.

314. The fundamental aim of subversive groups in Peru, and of the Shining Path movement in particular, was to destroy democracy in Peru with a view to seizing power. In view of the fact that one of the aims of the subversive groups was to sabotage and prevent the holding of elections, and that over the past three years two elections of national significance had taken place in Paru, it should not be surprising that there had been a rise in violence since 1988, in particular as the dates of those elections approached.

315. Moreover, it was not sufficient to refer only to the subversive groups and the number of deaths attributed to them. It was necessary to place on record, clearly and explicitly, that irregular armed groups were responsible for a total of some 20,000 deaths over the past decade, and above all that the criminal actions of such subversive groups, and particularly Shining Path, had produced a violence-generating effect.

316. It could not be denied that in the struggle against subversion many arrests had been made, but the possibility could equally not be ruled out that a number of alleged disappearances had their roots in subversion and were erroneously attributed to the armed forces. The situation was aggravated by the fact that many of the reports were incomplete, names were misspelled, the circumstances of the disappearances were vague, and their location and date were imprecise.

317. The Government further stated that during its forty-sixth session at the beginning of 1990, the Commission on Human Rights had acknowledged the incomplete nature of reports on the human rights situation in countries where irregular armed groups were operating against legally constituted Governments and, in resolution 1990/75, had instructed the Special Rapporteurs and Working Groups to pay particular attention in their reports to acts of violence perpetrated by irregular armed groups. According to this resolution, the Commission should be supplied with all the facts needed for a balanced and constructive analysis of the human rights situation in a country suffering an onslaught of armed subversion.

318. The Permanent Mission agreed in principle that the solution did not lie in the militarization of the administration of justice but rather in the strengthening of civilian institutions and the constitutional State. But both effective measures against subversion and proper protection of the judiciary required resources which the Government might not be in a position to generate, bearing in mind the almost complete ineffectuality of its decisions in an international economic climate which was not notably favourable to the development of the economies of developing countries.

319. By notes verbales dated 23 July, 11 and 25 September and 2 December 1990, the Permanent Mission of Peru to the United Nations Office at Geneva provided, in connection with resolution 1990/75, lists of persons killed by subversive groups operating in Peru and press clippings concerning acts of terrorism carried out by such groups.

320. According to the Government's information, in the 10 years since their beginnings in 1980, the forces of armed subversion had been responsible for a human cost of approximately 20,000 lives and an economic cost of at least $15 billion. In 1990, there had been 769 victims of the forces of subversion by August. At the moment, there were no mayors in one fourth of the national territory with approximately 330,000 inhabitants in 40 provinces located primarily in the departments of Ayacucho, Ancash and Huancavelica. In some cases, this was because many mayors had been murdered and, in others, because municipal elections had not been held, either because there were no candidates or because those who did stand were murdered. Between 1984 and October 1990, 91 mayors had been murdered. In 1989 alone, 46 mayors had been murdered and, following the municipal elections held in November of that year, 27 mayors-elect had met violent deaths at the hands of the forces of subversion. Since local governments were the first link in the building and consolidation of democracy and since irregular armed groups were preventing large sectors of the population from fully exercising their civil and political rights, inter alia, it was more than clear that such destructive acts were violations of the human rights of Peruvians.

Statistical summary

I.	Cases reported to have occurred in 1990	231
II.	Outstanding cases	1,905
III.	Total number of cases transmitted to the Government by the Working Group a/	2,340
IV.	Government responses:	
	(a) Number of cases on which the Government has provided one or more specific responses	350
	(b) Cases clarified by the Government's responses b/	96
V.	Cases clarified by non-governmental sources c/	339

a/ In a revision of the files, it was found that 11 cases had been duplicated. The Government was informed and the statistics adjusted accordingly.

b/ Persons detained: 10
Persons arrested and released: 47
Persons who had obtained a voter's card after the date of their alleged disappearance: 29
Persons found dead: 1.
Persons at liberty: 6
Persons abducted by rebels: 1
Persons escaped from a detention centre: 2.

c/ Persons whose dead body was found and identified: 55
Persons released from detention: 228
Persons in prison: 46
Persons taken to a hospital after detention: 1
Persons at liberty: 9.

Philippines

Information reviewed and transmitted to the Government

321. The Working Group's activities in relation to the Philippines are recorded in its ten previous reports to the Commission 1/, and in the addendum to the present report.

322. During the period under review, the Working Group transmitted 54 newly reported cases of disappearance to the Government of the Philippines of which 43 were reported to have occurred in 1990. Thirty-seven of those cases were transmitted by cable under the urgent action procedure. The Group also

retransmitted to the Government a total of 18 cases containing additional information received from the sources. One of the cases was transmitted anew since the source reported that the body of the person who was earlier said to have been beheaded was in fact never found. As regards the 13 cases transmitted by the Working Group on 14 December 1990, in accordance with its methods of work, it must be understood that the Government could not respond prior to the adoption of the present report.

323. By letters of 28 June, 20 September and 14 December 1990, the Government was notified that 13 cases were now considered clarified, four based on its replies and nine on the basis of further information provided by the source. By the same letters the Government was informed that seven additional cases would be considered clarified provided the sources did not raise objections within six months.

324. In accordance with the decision taken at the Working Group's twenty-seventh session, by letters dated 31 January and 18 July 1990, the Government was reminded of reports of disappearances transmitted during the previous six months under the urgent action procedure. In its communication of 28 June 1990 the Working Group also reminded the Government of all outstanding cases.

325. At the request of the Permanent Mission of the Philippines to the United Nations Office at Geneva, the Working Group, on 11 May and 27 November 1990, provided it with summaries of all outstanding cases and with summaries of all cases of disappearance ever transmitted.

326. The Working Group also transmitted to the Government allegations of persecution against a trade unionist who had escaped from detention and who feared that her family and relatives might be harmed by the military following her escape, drawing its attention to paragraph 12 of resolution 1990/30 and paragraph 2 of resolution 1990/76. The Working Group, considering that the situation required timely intervention, transmitted the case by cable on 18 October 1990.

327. At the invitation of the Government of the Philippines, the Working Group decided that Mr. Toine van Dongen and Mr. Diego García-Sayán should visit the Philippines on its behalf; the mission took place from 27 August to 7 September 1990. The report on the visit is contained in document E/CN.4/1991/20/Add. 1.

Information and views received from relatives of mising persons or from non-governmental organizations

328. The majority of newly reported cases of disappearance were submitted by Amnesty International, the Philippine Alliance of Human Rights Advocates (PAHRA) and the Task Force Detainees of the Philippines (TFDP). These organizations also provided information on the basis of which nine cases have been considered clarified.

329. With regard to other reports on the problem of disappearance received from non-governmental organizations, reference is made to the report on the visit to the Philippines contained in document E/CN.4/1991/20/Add.1.

Information and views received from the Government

330. By letters dated 7, 20 and 22 March, 3 April, 19 June, 14 September and 15 October 1990, the Government provided information on cases of disappearances previously transmitted by the Working Group. The Government reported that 16 cases had been referred to appropriate bodies for investigation; in two cases investigations carried out by the Philippine Commission on Human Rights were provided with the findings that one of the disappeared person was dead and the other at liberty. On a further case the Commission reported that the investigation was continuing. Moreover, during their visit to the Philippines, the two members of the Working Group were given replies on 11 cases on which the investigation was also continuing.

331. The Deputy Permanent Representative of the Philippines to the United Nations Office at Geneva met the Working Group during its thirty-second session and made a statement in which he informed the Working Group that the Aquino government was reviewing and reassessing its counter-insurgency policy. In this connection he reported that the office of the Peace-Commission was studying proposals that placed the emphasis of the counter-insurgency policy on the peace process through confidence building and conflict abatement measures. The components of this programme included disbanding of the Citizens Armed Forces Geographical Units (CAFGUs) and reorienting the whole concept of civilian defence along the lines of economic security and popular participation, rather than an armed response. Furthermore, the Government had recently enacted Republic Act No.6975 which creates the Philippine National Police, to be placed under a proposed Department of Interior and Local Government. According to this law, local officials will exercise operational supervision and control over local police units. A Bureau of Jail Management and Penology will also be placed under the same department. The Deputy Permanent Representative also provided replies on nine cases of disapearance which were examined by the Working Group, which decided to appply the statutory six-month rule (see E/CN 4/1988/19, para. 27) to three of them only.

332. By a letter dated 29 November 1990, the Permanent Mission of the Philippines to the United Nations Office at Geneva provided information in connection with resolution 1990/75, transmitting the report of the Philippine Commission on Human Rights on human rights violations committed by irregular armed groups in the country, including the Communist Party of the Philippines/National People's Army (CPP/NPA), the Mindanao National Liberation Front/Mindanao Independent Liberation Front (MNLF/MILF) and Moro rebels, since January to May 1990. The incidents concerned, inter alia, ambush, killings, taking of hostages, kidnapping, burning, looting. bombing, raids, attacks, and forced evacuation. The victims were both civilians and military personnel.

Statistical summary

I.	Cases reported to have occurred in 1990	43
II.	Outstanding cases	497
III.	Total number of cases transmitted to the Government by the Working Group	595
IV.	Government responses:	
	(a) Number of cases on which the Government has provided one or more specific responses	532
	(b) Cases clarified by the Government's responses a/	80
V.	Cases clarified by nom-governmental sources b/	18

a/ Persons dead: 15
Persons located and identified: 2
Persons in prison: 6
Persons living abroad: 1
Persons released from detention: 49
Persons at liberty: 6
Persons escaped from prison: 1.

b/ Persons dead: 3
Persons in prison: 6
Persons released from detention: 4
Persons at liberty: 3
Persons escaped: 2.

Seychelles

Information reviewed and transmitted to the Government

333. The Working Group's activities in relation to Seychelles are recorded in its last five reports to the Commission. 1/

334. No cases of disappearance were reported to have occurred in 1990. By letter dated 28 June 1990, the Working Group reminded the Government of the three outstanding cases transmitted in the past. No response whatsoever has been received to date.

Statistical summary

I.	Cases reported to have occurred in 1990	0
II.	Outstanding cases	3
III.	Total number of cases transmitted to the Government by the Working Group	3
IV.	Government responses	
	(a) Number of cases on which the Government has provided one or more specific responses	3
	(b) Cases clarified by the Government's responses	0

Sri Lanka

Information reviewed and transmitted to the Government

335. The Working Group's activities in relation to Sri Lanka are recorded in its previous eight reports to the Commission. 1/

336. During the period under review, the Working Group transmitted 246 newly reported cases of disappearance to the Government of Sri Lanka, of which 44 were reported to have occurred in 1990. Forty-two of those cases were transmitted by cable under the urgent action procedure. The Group also retransmitted to the Government a total of seven cases containing additional information received from the sources. As regards the three cases transmitted by the Working Group on 14 December 1990, in accordance with its methods of work, it must be understood that the Government could not respond prior to the adoption of the present report.

337. By letters dated 28 June, 20 September and 14 December 1990, the Government was notified that seven cases were now considered clarified, two based on its replies and five on the basis of further information provided by the respective sources.

338. In accordance with the decision taken at the Working Group's twenty-seventh session, by letters dated 31 January and 18 July 1990 the Government was reminded of reports of disappearances transmitted during the previous six months under the urgent action procedure.

339. In its communication of 28 June 1990, the Working Group also reminded the Government of all outstanding cases. By the same letter the Working Group transmitted reports it had received of alleged persecution of members of human rights organizations, in particular lawyers who had filed habeas corpus petitions in respect of missing persons. It drew the attention of the Government to the provisions of Commission on Human Rights resolutions 1990/30 and 1990/76, and, with particular reference to the reporting requirements of the latter, requested the Government to provide any information about investigations carried out in relation to the reported cases of persecution and intimidation, and the steps taken to protect the persons concerned.

340. By cable dated 13 September 1990, the Working Group expressed its deep concern about one particular incident on 11 September which had prevented a Member of Parliament from providing the Working Group with statements relating to disappearances. The documentation, involving forms furnished by the Working Group and which had been completed by relatives or friends of over 500 persons who had been reported missing in Sri Lanka, had been confiscated by the police as the Member of Parliament was leaving Colombo to travel to Geneva to attend the Group's meeting. As well as being asked to forward the relevant documentation, the Government was requested to assure the Working Group that the incident would not lead to any adverse consequences for the persons who had completed its reporting forms. (The Working Group was eventually seized of those documents at the end of November).

341. The Working Group also informed the Government, in its letter dated 20 September 1990, of reports it had received from non-governmental organizations expressing general concern about developments in Sri Lanka which were having an influence on the phenomenon of disappearance or on the solution of the cases not yet clarified. A summary of those reports was enclosed and the Government was invited to make comments thereon.

Information and views received from relatives of missing persons or from non-governmental organizations

342. The newly reported cases of disappearance were submitted by Amnesty International, The Committee of Parliamentarians for Fundamental and Human Rights (Colombo), International Alert, Students for Human Rights (Colombo), Campaign for Democracy and Human Rights in Sri Lanka, and relatives or friends of the missing persons. The afore-mentioned organizations also submitted several reports of a general nature during the year.

343. The disappearances were generally attributed to the security forces, the army or the police. Sometimes those making the arrest were driving unmarked vehicles and wearing civilian clothes but witnesses often recognized them as members of one of the government forces. In the north and east, victims were mostly young Tamil men, and families complained that they were unable to trace relatives after their detention as the names of prisoners held in custody by security forces were not made known. Many of those who disappeared in the south were said to be opponents of the Government.

344. It was reported that since the withdrawal of the Indian troops in March 1990 the Liberation Tigers of Tamil Eelam (LTTE) had taken de facto control of the north-east, and that they might be responsible for some disappearances as they were holding prisoners incommunicado in bunkers and camps. However, human rights violations by groups or private individuals said to be acting on behalf of, or with the support, permission or acquiescence of the Government, allegedly continued.

345. According to some reports, government authorities seized letters regarding human rights; consequently, relatives reporting the disappearance of individuals had requested that any communication from the Working Group be addressed to friends outside the country. One person who had been completing forms to provide information on missing persons to Amnesty International had those forms with him when he himself disappeared. He was allegedly held in Matara police station for several days after his arrest. In the south, many families of missing persons said that they were frightened to make enquiries, as they feared they themselves might become victims of reprisals if they insisted that security forces personnel were responsible for the

disappearances. A pervasive climate of fear and threatened reprisals against anyone interested in human rights activities allegedly prevented local voluntary organizations from gathering relevant information.

346. Concern was expressed about the proliferation of vigilante groups in the south - widely believed to enjoy the protection of highly placed military officials - which were said to be responsible for numerous human rights abuses. Lawyers and students had been particular targets, allegedly of security forces and military personnel, and several lawyers, Members of Parliament and trade unionists who regularly enquired on behalf of the disappeared had received anonymous telephone calls warning them not to pursue their enquiries. The drastic drop in habeas corpus petitions on behalf of disappeared persons was attributed to the killing of three lawyers who had filed over 400 cases in respect of persons missing in the south. Other threatened persons were reportedly journalists, dramatists, free-lance writers, trade unionists, human rights workers, social workers, and most recently those released from detention camps.

347. It was also reported that supporters of the Government were recruited and sent out on missions after a rapid commando-type training to deal with political opponents. They allegedly were provided with false security forces identity cards, and the area commanders of the State forces were under orders to provide them with facilities. Many of the army camps in the south where suspected JVP (Janatha Vimukhi Peramuna) rebels were held were reportedly being closed down and as it was not known what had happened to the detainees, it was feared that some had been killed and that their bodies could have been among those seen on roads near the former camps in the Kandy, Akuressa, Siyambalanduwa and Hambantota areas.

348. Complaints were received that the secret disposal of bodies continued, despite the revocation of Emergency Regulation 55F which empowered members of the security forces to secretly dispose of dead bodies without the need for an inquest or post-mortem, and without informing the relatives or friends of the deceased.

349. During 1990, movements such as the Association of the Kith and Kin of the Disappeared, Mothers for Human Rights and, more recently, Parents and Family Members of the Disappeared were established in an effort to trace missing persons, and the Minister of State for Defence had agreed that cases of disappearance could be submitted for investigation to a committee presided over by a former judge. However, the movements had made it very clear that any evidence would be given only in confidence to an independent commission having no relationship with the Ministry of Defence. The missing persons unit at the Army Joint Operations Command in Colombo reportedly stated that out of 5,000 letters received in the previous two months, 1,177 cases were clarified; however, it has been alleged that the families of JVP suspects have been refused death certificates which would have qualified them for Government compensation for victims of violence.

350. In 1990, five cases were clarified on the basis of information from Amnesty International and/or the respective families that one person had died in detention, one was detained and another three persons had been released.

351. The documentation referred to in the Working Group's cable to the Government of 13 September 1990, which included information on more than 600 cases of disappearance reported to have occurred in Sri Lanka during 1989 and 1990 (over 200 in 1990), was received by the Working Group in November. Due

to staffing constraints of the Secretariat, however, it could not be processed in time for consideration by the Group at its December session, and consequently those cases are not reflected in the statistical summary of this year's report.

Information and views received from the Government

352. By communications dated 15 March, 23 May and 22 June 1990, the Permanent Representative of Sri Lanka to the United Nations Office at Geneva forwarded replies from his Government in respect of nine cases of disappearance. One case was subsequently considered clarified by the Working Group on the basis of the Government's reply that the missing person was detained in Pelawatte Camp.

353. At its thirtieth session, in June 1990, the Working Group received the Chargé d'affaires of the Permanent Mission of Sri Lanka to the United Nations who expressed appreciation for the continuing efforts of the Working Group and reiterated the long-standing policy of the Government of Sri Lanka of co-operating with United Nations bodies dealing with human rights questions. He wished to assure the Group that the Government would do its utmost to safeguard the human rights and fundamental freedoms of all its citizens. The measures the Government had had to take to deal with an extreme situation as a result of the emergence in recent years of groups applying violence and terror as a means of achieving their goals should be seen in this perspective. The Chargé d'affaires mentioned that, as conditions returned to normal, the law enforcement authorities were conducting investigations into a number of cases of alleged illegal acts, and in this context his Government was pleased to inform the Working Group that a visit from it would be welcome in 1990. It was hoped that such a visit would further enhance the atmosphere of confidence and openness with which the Government of Sri Lanka had been endeavouring to address the underlying political and socio-economic problems, as well as related human rights concerns.

354. The emergency regulations, which imposed certain restrictions on publications, political parties, public meetings, etc. had been repealed. Law enforcement agencies were required to hold inquests, in accordance with the normal laws, in the event of a death of any person. Over 1,800 detainees had been released since January 1989.

355. The Working Group was informed that the International Committee of the Red Cross (ICRC) had been functioning in Sri Lanka since October 1989, and, in supplementing the efforts of the national authorities in facilitating communications between the detainees and their families, had contributed to the atmosphere of increasing confidence which was so necessary to give effect to the political process initiated by the Government. The Office of the United Nations High Commissioner for Refugees (UNHCR) had also been functioning in Sri Lanka for some time and assisting in the return and rehabilitation of internally and externally displaced persons, mainly in the north and east of the country.

356. The Chargé d'affaires stated that the most important development since the Sri Lankan representative had appeared before the Working Group in December 1989 was the complete withdrawal of the Indian Peace-keeping Forces (IPKF), which was followed by a process of continuing negotiations between the main Tamil militant group, Liberation Tigers of Tamil Eelam (LTTE), and the Government. The LTTE had now declared its commitment to enter the mainstream of politics through free and fair elections.

357. The Government was at present focusing attention on the rehabilitation of youths who had taken to violence and for this purpose had established an independent surrender committee. Other committees were also functioning at district level to investigate surrendering youths with a view to releasing immediately those who had not committed any serious offence. One of the aims of the process was to instil confidence and to encourage the youths to join the mainstream of democratic life. Furthermore, the authorities would be in a better postion to verify if any of those surrendering belonged to the category of missing persons. So far, 4,459 persons had surrendered.

358. As mentioned to the Working Group in December 1989, the Government took stern action against any illegal groups and had given the security forces clear and strict instructions to seek them out, to treat them as terrorists, and to disarm and disband them. No room should be left for anyone to commit inhuman acts.

359. By note verbale dated 15 November 1990, the Government communicated its comments on reports which the Working Group had transmitted on 28 June and 20 September 1990 expressing general concern about developments in Sri Lanka.

360. With regard to the northern and eastern parts of the country, the Government's efforts in that area were directed towards restoring law and order and persuading the LTTE to participate in elections. With the exception of the LTTE, all Tamil political parties and groups, as well as representatives of the Muslim community, were seeking political solutions at the negotiating table with the Government. The LTTE's unilateral and totally unprovoked decision on 10 June 1990 to resume terrorist attacks and reject the path of negotiations was deplored by all other Tamil parties and others nationally and internationally; in fact, many were puzzled by the LTTE's action since the Government had agreed to almost every pre-negotiation request made by them. The Government was deeply conscious of the suffering inflicted upon the civilians in the north and east and had taken all possible measures to alleviate hardships, with the assistance of, inter alia, the ICRC and UNHCR. As recently as the beginning of November, the LTTE had forcibly expelled all at once nearly 40,000 members of the Muslim community from the Mannar area in the northern part of the country, which in turn had led to a massive number of displaced and missing persons.

361. In relation to the mandate of the Working Group, the Government had taken the following steps:

(a) Given full access to the ICRC to discharge its humanitarian mandate including assistance in tracing missing persons; and

(b) Established Civilian Information Centres assisted by Citizens' Committees in the affected area to co-ordinate and provide information on persons reported to be missing whether they were alleged to have been abducted by terrorists or taken into custody by security forces.

362. Referring to the allegations pertaining to the seizure of documents, the Government wished to state categorically that it was not the Government's policy to hinder in any way the free flow of information on any matter, including human rights issues, in keeping with the provisions of the Constitution of Sri Lanka and the obligations undertaken by Sri Lanka as a party to the International Covenant on Civil and Political Rights.

363. In respect of the recent incident involving a Member of Parliament, the position had since been clarified and the documents which had been retained had now been returned to the MP after scrutiny, and he would be free to use the information in accordance with the laws of the country. Under the normal laws of Sri Lanka, tampering with evidence relating to any illegal act by anyone, including a police official, was a punishable offence. The Government wished to reiterate that it would not condone acts which would be contrary to resolutions 1990/76 and 1990/30 of the Commission on Human Rights.

364. The Government also shared the deep concern, expressed both nationally and internationally, in respect of the alleged phenomenon of unidentified illegal groups which were responsible for certain human rights abuses having implications for the mandate of the Working Group, including habeas corpus applications. An independent committee headed by two retired judges of the Supreme Court had identified the problem last year and a mechanism had already been worked out to receive information from the public in this regard. However, the Government was aware that there was some residual violence in the southern part of the country as a result of unidentified groups taking revenge on those believed to be responsible for killings attributed to subversive elements, and it was taking severe measures against any member of the security services responsible for exceeding his legitimate duties.

365. In connection with the unfortunate killing of several lawyers referred to in the communications sent by the Working Group, magisterial inquests have been held and investigations are continuing in accordance with the directives of the magistrates. The Government concurred in the condemnations which had been expressed in regard to both those killings and to threats received by other lawyers, and had taken action to provide security for the lawyers who had requested such protection. Whilst the Government condemned those killings, it stressed that such illegal acts had not hampered the work of the judiciary or the legal profession concerning filing of fundamental rights cases.

366. The Government had also initiated a mobile legal office aimed at assisting people wishing to file action, at district or regional levels, on matters of concern and thus enabling them to seek legal redress. The law enforcement authorities had also initiated a police mobile service through which efforts were made by the senior police officers of various regions, with the assistance of the Members of Parliament of both government and opposition parties, to trace persons reported to be missing. As a result 21 youths reported missing were traced and recently handed over to their parents in the southern city of Beliatte.

367. The President of Sri Lanka had appointed a special inter-sectoral group of public servants to monitor and report on alleged human rights violations. This task force consisted of representatives of the presidential secretariat, Ministry of Foreign Affairs, Ministry of Defence, the armed service and the law enforcement authorities.

Statistical summary

I.	Cases reported to have occurred in 1990	44
II.	Outstanding cases	1,140
III.	Total number of cases transmitted to the Government by the Working Group	1,182
IV.	Government responses:	
	(a) Number of cases on which the Government has provided one or more specific responses	241
	(b) Cases clarified by the Government's responses a/	16
V.	Cases clarified by non-governmental sources b/	26

a/ Persons released: 13
Persons detained: 3.

b/ Persons released: 10
Persons detained: 2
Persons died in custody: 14.

Syrian Arab Republic

Information reviewed and transmitted to the Government

368. The Working Group's activities in relation to the Syrian Arab Republic are recorded in its last eight reports to the Commission. 1/

369. During the period under review, the Working Group transmitted to the Government of the Syrian Arab Republic one newly reported case of disappearance which occurred during 1990, on which no response has yet been received.

Information and views received from relatives of missing persons or from non-governmental organizations

370. The case of disappearance in Syria concerned a man who was allegedly arrested by the Muchabarat (Secret Police) on his arrival in Damascus airport on a flight from Amsterdam in April 1990. The report was submitted by the missing person's lawyer in the Netherlands.

Statistical summary

I.	Cases reported to have occurred in 1990	1
II.	Outstanding cases	2
III.	Total number of cases transmitted to the Government by the Working Group	6
IV.	Government responses:	
	(a) Number of cases on which the Government has provided one or more specific responses	5
	(b) Cases clarified by the Government's responses a/	3
V.	Cases clarified by non-governmental sources b/	1

a/ Persons detained: 3.

b/ Person released: 1.

Turkey

Information reviewed and transmitted to the Government

371. By a cable dated 12 September 1990, the Working Group transmitted to the Government of Turkey, under the urgent action procedure, one case of disappearance reported to have occurred in 1990.

Information and views received from relatives of missing persons or from non-governmental organizations

372. The above-mentioned case was reported by Amnesty International and concerned a taxi driver who was last seen driving his taxi, with two passengers, in the direction of Diyarbakir. His detention was at first acknowledged by the police but later denied.

Information and views received from the Government

373. By a communication dated 4 December 1990, the Government replied that the relevant Turkish authorities had established that the missing person had neither been detained nor taken into custody by the police or other security officials, and it was concluded that he might possibly have been abducted by members of the terrorist organization called "PKK". According to the authorities, the missing person was a member of an organization selling arms to "PKK", and it is believed that the two individuals accompanying him in his taxi were members of the latter.

Statistical summary

I.	Cases reported to have occurred in 1990	1
II.	Outstanding cases	1
III.	Total number of cases transmitted to the Government by the Working Group	1
IV.	Government responses:	
	(a) Number of cases on which the Government has provided one or more specific responses	1
	(b) Cases clarified by Government's responses	0

Uganda

Information reviewed and transmitted to the Government

374. The Working Group's activities in relation to Uganda are recorded in its last eight reports to the Commission. 1/

375. No cases of disappearance were reported to have occurred in 1990. By letter dated 28 June 1990, the Working Group reminded the Government of the 13 outstanding cases transmitted in the past. No response whatsoever has been received to date.

Statistical summary

I.	Cases reported to have occurred in 1990	0
II.	Outstanding cases	13
III.	Total number of cases transmitted to the Government by the Working Group	19
IV.	Government responses	
	(a) Number of cases on which the Government has provided one or more specific responses	1
	(b) Cases clarified by Government's responses a/	1
V.	Cases clarified by non-governmental sources b/	5

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a/ Persons released: 1.

b/ Persons released: 3
Person who died in detention: 1
Person detained: 1.

Uruguay

Information reviewed and transmitted to the Government

376. The Working Group's activities in relation to Uruguay are recorded in its last nine reports to the Commission. 1/

377. During the period under review, the Working Group retransmitted to the Government two cases containing additional information received from the sources.

378. In its communication dated 28 June 1990, the Working Group reminded the Government of all outstanding cases. By a letter dated 20 September 1990, the Working Group informed the Government of reports it had received from non-governmental organizations expressing general concern about the effects that develooments in legislation were having for the investigation of cases of disappeareance and invited the Government to make any comments on those allegations.

379. At the request of the Government, summaries of all outstanding cases were transmitted to it on 28 August 1990.

Information and views received from relatives of missing persons or from non-governmental organizations

380. It was reported that, as a consequence of Act. No.15848 of 26 December 1986, which excluded the possibility of criminal investigations into human rights violations committed by the military or police forces during the period of military dictatorship, the relatives of missing persons had been deprived of pursuing their search through action before penal courts. It was alleged that, in fact, there were no other legal means or ways of action allowing the whereabouts or the fate of the missing persons to be determined.

381. It was alleged that, in the case of a person who was abducted on the grounds of an embassy in Montevideo in 1976, a file containing a report of an investigation of the case carried out over two years until October 1989 was published in compliance with Act No. 15848, article 4. Copies of relevant documents contained in the file were handed to the Working Group. According to the information received, the file contained a memorandum by a former Director of Political Affairs at the Ministry of Foreign Affairs analysing the diplomatic and political implications involved in the disappearance of the above-mentioned person and evaluating the consequences resulting from the acknowledgement of her detention or the continuation of her disappearance. The memorandum had been prepared as an element for discussion of the matter (whether to acknowledge the detention or to maintain the person disappeared) in a meeting of the National Council for Security (COSENA) at which the Ministry of Foreign Affairs, the Ministry of the Interior and the Chief of Staff and the commanders of the three military forces were represented. The report stated that the participation at the highest echelons of the dictatorship in the practice of disappearance emerged clearly from the documentation. As a result of the publication of this file, a parliamentary commission of inquiry had been set up.

Information and views received from the Government

382. In a note verbale dated 5 June 1990 from the Permanent Mission of Uruguay to the United Nations, it was stated that the investigation of outstanding cases was being carried out by the competent organs of the civil

courts and that national remedies were operating in a thoroughly normal way, according to Uruguayan legislation. It was the intention of the Government to continue its co-operation with the Working Group and to immediately provide any relevant information concerning cases of disappearances.

Statistical summary

I.	Cases reported to have occurred in 1990	0
II.	Outstanding cases	31
III.	Total number of cases transmitted to the Government by the Working Group	39
IV.	Government responses:	
	(a) Number of cases on which the Government has provided one or more specific responses	17
	(b) Cases clarified by the Government's responses a/	7
V.	Cases clarified by non-governmental sources b/	1

a/ Persons released from detention: 2
Persons in prison: 4
Child found: 1.

b/ Child found: 1

Venezuela

Information reviewed and transmitted to the Government

383. By a letter dated 28 June 1990, the Working Group transmitted to the Government of Venezuela one case of disappearance reported to have occurred in 1989. The Working Group also transmitted to the Government one case under the urgent action procedure. By a letter dated 14 December 1990, the Group informed the Government that one case on which it had provided a reply would be considered clarified by the Group provided that within six months of the date on which the reply was communicated to the relatives, they did not make any observation which required further consideration by the Working Group. By the same letter the Government was notified that one case had been considered clarified on the basis of its reply.

Information and views received from relatives of missing persons or from non-governmental organizations

384. The reports on the two cases of disappearance in Venezuela were submitted by the Latin American Federation of Associations of Relatives of Disappeared Detainees (FEDEFAM). One of the cases concerned a person who disappeared during the incidents that took place in Caracas in February 1989. According to witnesses, the person was shot at from a police car. The other case concerned a person who was detained on her way home by members of the

Rural Command of the National Guard and who, according to the Government's reply, had allegedly escaped while being transferred to another place. In connection with the latter case the Government further informed the Working Group that those considered responsible for the missing person's murder had been brought to justice; this information was subsequently confirmed by the source.

Information and views received from the Government:

385. By letters dated 9 and 26 November 1990, the Permanent Mission of Venezuela to the United Nations Office at Geneva provided replies on two cases transmitted to it by the Working Group. On one case it reported that the Office of the Attorney General had stated that a corpse had been found in a river in the area where the victim had disappeared and that the judicial authorities had been able to determine that sufficient evidence was available to infer that the characteristics of the body corresponded to those of the missing person. Furthermore, the Second Criminal Court of First Instance of the judicial district of the state of Monagas had issued a warrant for the arrest of a former National Guard officer for complicity in the victim's murder. A military court which was also dealing with the case issued warrants for the arrest of three National Guard officerss in connection with the above-mentioned murder. On the other case it reported that the victim had died during the February 1989 incidents that took place in Caracas, and was buried in a common grave. The case was under investigation before the Seventh Criminal Court of First Instance in Caracas.

Statistical summary

I.	Cases reported to have occurred in 1990	1
II.	Outstanding cases	1
III.	Total number of cases transmitted to the Government by the Working Group	2
IV.	Government responses	2
V.	Cases clarified by the Government's responses a/	1

a/ Person dead (body found and identified): 1.

Viet Nam

Information reviewed and transmitted to the Government

386. The Working Group's activities in relation to Viet Nam are recorded in its last eight reports to the Commission. 1/

387. By a cable dated 31 August 1990, the Working Group transmitted to the Government, under the urgent action procedure, one case of disappearance reported to have ocurred in 1990.

Information and views received from relatives of missing persons or from non-governmental organizations

388. The above-mentioned case was reported by the World Vietnamese Buddhist Order in Canada and concerned a doctor, member of the Humanist Movement, who was allegedly arrested on 14 June 1990 at his home in Ho Chi Minh City by members of the security police.

Statistical summary

I.	Cases reported to have occurred in 1990	1
II.	Outstanding cases	2
III.	Total number of cases transmitted to the Government by the Working Group	8
IV.	Government responses	
	(a) Number of cases on which the Government has provided one or more specific responses	3
	(b) Cases clarified by the Government's responses a/	3
V.	Cases clarified by non-governmental sources b/	4

a/ Persons in prison: 2
Persons released: 1.

b/ Persons released: 4.

Zaire

Information reviewed and transmitted to the Government

389. The Working Group's activities in relation to Zaire are recorded in its second to fourth and sixth to tenth reports to the Commission. 1/

390. No cases of disappearance were reported to have occurred in 1990. By letter dated 28 June 1990, the Working Group reminded the Government of the 12 outstanding cases transmitted in the past. No response whatsoever has been received to date.

Statistical summary

I.	Cases reported to have occurred in 1990	1
II.	Outstanding cases	12
III.	Total number of cases transmitted to the Government by the Working Group	18
IV.	Government responses	
	(a) Number of cases on which the Government has provided one or more specific responses	17
	(b) Cases clarified by the Government's responses a/	6

a/ Persons at liberty: 6.

Zimbabwe

Information reviewed and transmitted to the Government

391. The Working Group's activities in relation to Zimbabwe are recorded in its last three reports to the Commission. 1/

392. During the period under review, the Working Group neither received nor transmitted any new reports of disappearance in Zimbabwe; but in response to the Government's reply of 6 March 1990, it requested the Government to provide more precise details in respect of the date and place of the missing person's release.

Information and views received from relatives of missing persons or from non-governmental organizations

393. By a letter dated 27 September 1990, one of the sources of the reported disappearance in Zimbabwe, referring to the Government's reply, stated that investigations following an action to the high court by the family lawyer had revealed that the police had handed the missing person into the custody of two men, one of whom was an official of military intelligence, and that he was last seen in their company.

Information and views received from the Government

394. By a communication dated 6 March 1990, the Government replied that police investigations had revealed that the one person reported missing had been released from police custody after interrogation, without any charges being preferred against him.

Statistical summary

I.	Cases reported to have occurred in 1990	0
II.	Outstanding cases	1
III.	Total number of cases transmitted to the Government by the Working Group	1
IV.	Government responses:	
	(a) Number of cases on which the Government has provided one or more specific responses	1
	(b) Cases clarified by the Government's responses	0

III. INFORMATION CONCERNING ENFORCED OR INVOLUNTARY DISAPPEARANCES IN SOUTH AFRICA AND NAMIBIA REVIEWED BY THE WORKING GROUP

Information reviewed and transmitted to the Government

395. The Working Group's activities in relation to enforced or involuntary disappearances in South Africa and Namibia are recorded in its last nine reports to the Commission. 1/

396. No cases of disappearance were reported to have occurred in 1990. By letter dated 28 June 1990, the Working Group reminded the Government of the eight outstanding cases transmitted in the past. No response whatsoever has been received to date.

Information and views received from relatives of missing persons or from non-governmental organizations

397. Reports on the general situation in southern Africa were received from the International Defence and Aid Fund for Southern Africa in January 1990 and from Amnesty International on 22 June 1990.

Statistical summary

I.	Cases reported to have occurred in 1990	0
II.	Outstanding cases	8
III	Total number of cases transmitted to the Government by the Working Group	10
IV.	Government responses	
	(a) Number of cases on which the Government has provided one or more specific responses	10
	(b) Cases clarified by Government's responses	2

IV. COUNTRIES IN WHICH ALL REPORTED CASES OF DISAPPEARANCE HAVE BEEN CLARIFIED

Panama

Information reviewed and transmitted to the Government

398. The Working Group's activities in relation to Panama are recorded in its tenth report to the Commission. 1/

399. By letter dated 28 June 1990, the Government was reminded of the one outstanding case. During 1990 the Working Group received no new reports of disappearance in Panama.

Information and views received from relatives of missing persons or from non-governmental organizations

400. The Working Group received from the Central American Commission on Human Rights (CODEHUCA) reports alleging that, during the incidents which led to the overthrow of General Noriega, many civilians were killed and buried in common graves. The relatives have not received the necessary assistance from the Government to locate all the common graves and exhume the bodies.

Information and views received from the Government

401. By letter date 11 September 1990, the Government replied to the one outstanding case that the person concerned, a journalist reportedly arrested in October 1989, was at liberty and had filed a recourse against three members of the army for their responsibility in the incidents leading to his temporary disapperance. Sources confirmed the release.

Statistical summary

I.	Cases reported to have occurred in 1990	0
II.	Outstanding cases	0
III.	Total number of cases transmitted to the Government by the Working Group	1
IV.	Government responses	
	(a) Number of cases on which the Government has provided one or more specific responses	1
	(b) Cases clarified by the Government's responses a/	1

a/ Person released.

V. CONCLUSIONS AND RECOMMENDATIONS

402. The overall figure for the caseload that the Working Group has accumulated since 1980 now stands at close to 20,000 cases of disappearance, pertaining to some 45 countries. In the period under review, the Group has transmitted 962 cases to 20 different Governments in accordance with its methods of work, 424 of them through its urgent action procedure. Of the cases transmitted, 486 were said to have occurred in 1990. The corresponding figure for 1989 was 721. As usual, the Group is including graphs on individual countries in its report. For the first time, the Working Group is providing the Commission with a graph charting the development of disappearances world-wide since 1973, based on its own files (see annex I).

403. As the graph shows, the trend is downward, but statistics can be treacherous, and there are a number of important provisos that the Working Group would like to make. First, the graph does not necessarily reflect the true situation of disappearances around the globe, as there may be many more cases of which the Group is not aware. On previous occasions, it has stated that the real dimensions of the problem are likely to be far greater. Indeed, quite a number of countries are said to suffer from the phenomenon of disappearance, some significantly, while the Working Group has only very few individual cases on its files. Secondly, new cases of disappearance may be brought to the Group's attention after long delays so that the total figure for the corresponding year has to be corrected upwards retroactively. In other words, the caseloads for 1990 and even 1989 are likely, in due course, to be higher than at present represented in the graph. Thirdly, the bulge in the middle of the graph is somewhat misleading, inasmuch as the majority of cases for 1983 occurred in one single event, as described in paragraph 182 of E/CN.4/1989/18 and in the present report. Consequently, the curve for the world-wide situation does perhaps not reach as high as the graph may suggest, so that the downward trend is less striking than portrayed.

404. The Working Group is not at this time venturing a global explanation of the trend, but a relationship to a decrease in authoritarian rule in the world seems evident. In any case, what the graph should mean to the Commission on Human Rights is that its action against disappearances since 1980 is apparently paying dividends. On the other hand, what the graph should not imply is that the Commission can relax its vigilance. There are several reasons: one is that several hundred disappeared persons in one year is still a dramatic figure, particularly as every single case is one too many. Another reason is that repression is still rampant in certain parts of the world, and disappearances may suddenly begin to rise again. But most importantly, the phenomenon does not end as soon the graph has reached the zero level. It persists until the last of the outstanding cases has been clarified. Therefore, the Working Group urges that the Commission continues to give the matter its closest attention.

405. The Working Group does not function in isolation, dependent as it is on a flow of information from independent sources as well as on the co-operation of States. Reference may be made here to paragraph 349 of last year's report (E/CN.4/190/13), pertaining to the Group's approach to individual cases of disappearance and its contacts with Governments. The Group notes with satisfaction that there are at present few Governments that do not co-operate with it. Very valuable is the growing interest shown by relatives of disappeared persons and by non-governmental organizations in various parts of the world.

406. As the Working Group indicated in its previous report, impunity is perhaps the single most important factor contributing to the phenomenon of disappearance. Perpetrators of human rights violations, whether civilian or military, become all the more irresponsible if they are not held to account before a court of law. Subversive groups, for their part, may become all the more brazen if their violent acts can be repeated unpunished. Impunity can also induce victims of these practices to resort to self-help, acting as judge and executioner at the same time. The interplay among these various factors may exacerbate the level of violence reigning in a country, and thereby further reinforce impunity.

407. A high level of militarization is often a Government's response to violent action by subversive groups. From the outset, their impact on the enjoyment of human rights and the atrocities they commit have been important factors for the Group in judging the context of violence in which disappearances occur. As soon as a counter-insurgency campaign is launched against such groups, the flow of complaints about human rights abuses often increases. In those circumstances, impunity becomes almost endemic. This is also true for operations conducted by paramilitary forces in various guises. There is a pressing need for those countries where such forces are operating legally, for instance as civil defence groups, to circumscribe their responsibilities as regards maintenance of public order. Where paramilitary forces take the form of death squads and the like, accountability becomes almost illusory, particularly in situations where Governments are unwilling to take decisive action against them.

408. The problem of impunity may be seriously compounded by reticence in the administration of justice. In this sense, the Working Group's experience has shown military courts to contribute significantly to impunity. A recurrent theme in times of internal crisis or under the doctrine of national security is that military personnel attested to have engaged in gross misconduct against civilians hardly ever see their cases investigated in any rigorous manner. In the few cases which are brought to trial, they are almost invariably acquitted or given sentences that, by any standard, are grossly disproportionate to the crime committed. Subsequent promotions are even commonplace. The Working Group continues to be concerned about the widespread tendency to grant jurisdiction over human rights abuses to military courts.

409. Another contributing factor to impunity may likewise be the administration of civilian justice, which is often seen to suffer from institutional paralysis. Prosecutors and judges may find themselves overburdened and over-threatened, making them slow to respond to the need for inquiries. Paralysis may also occur through lack of co-operation by the executive branch. Habeas corpus, a remedy that is the most powerful weapon against unlawful detention, is a case in point. As its success ultimately depends on willingness by the executive to provide information on a disappeared person, habeas corpus is rendered useless if co-operation stops at the barracks' gate. In addition, there are many examples of practical and legal obstacles to its effective use which Governments have seen no reason to remove or which they have purposely put into place. The Working Group feels deeply frustrated that, in this manner, habeas corpus remains virtually inoperative in situations of widespread disappearance. Affected Governments should engage in a systematic revision of habeas corpus procedures, repairing their deficiencies.

410. In certain instances, a pardon or an amnesty is extended to persons suspected of or responsible for human rights violations, including disappearances. Such measures are justified on political and national security grounds or in terms of national reconciliation or peace efforts. Nevertheless, the Working Group finds it hard to accept that a consequence - de facto or de jure - of some of those measures is to prevent investigations being made into the fate or whereabouts of the missing persons. Their relatives, understandably, derive little consolation from such policies, even if they are designed essentially to prevent the recurrence of events such as disappearances.

411. In successive reports, the Working Group has drawn attention to intimidation, threats and various forms of reprisal against relatives and human rights groups involved in cases of enforced disappearance. At its forty-sixth session, the Commission adopted resolution 1990/76, encouraging the Group to take more effective steps to protect individuals or groups who are the victims of reprisals because of their human rights activities. To deal with this matter, the Group has improved its methods of work by devising a "prompt intervention" procedure (see paragraph 26) which it intends to use and develop further in the future.

412. The Working Group was fortunate to have received an invitation from the Government of the Philippines to visit that country. The report on the mission, together with its conclusions and recommendations, is being submitted to the Commission as an addendum to the present report.

413. In that regard, the Working Group has previously expressed concern about the lack of follow-up to its recommendations in similar reports, notably those on missions to Peru (1985 and 1986), Guatemala (1987) and Colombia (1988). The Commission's call for information, contained in its resolution 1990/30, has not in any way been heeded by the Governments named. The Group is of the view that the Commission should follow the matter closely, lest mission reports receive only a passing reference during the session concerned and are forgotten about soon afterwards, including by the Government addressed.

414. The Working Group has, on several occasions, emphasized the urgent need for the Commission on Human Rights to consider the adoption of an international instrument on the problem of enforced or involuntary disappearances. The Group is gratified that the Sub-Commission on Prevention of Discrimination and Protection of Minorities at its forty-second session (E/CN.4/1991/2 - E/CN.4/Sub.2/1990/59) has finalized the text of a draft declaration on the subject. The document is the outcome of an extensive preparatory phase, which included participation by the Working Group and its members. The Group recommends to the Commission that it adopt the draft at its forty-seventh session.

VI. ADOPTION OF THE REPORT

415. At the last meeting of its thirty-second session, on 14 December 1990, the present report was adopted the members of the Working Group on Enforced or Involuntary Disappearances.

Ivan Tosevski Chairman/Rapporteur	(Yugoslavia)
Toine van Dongen	(Netherlands)
Jonas K.D. Foli	(Ghana)
Agha Hilaly	(Pakistan)
Diego García-Sayán	(Peru)

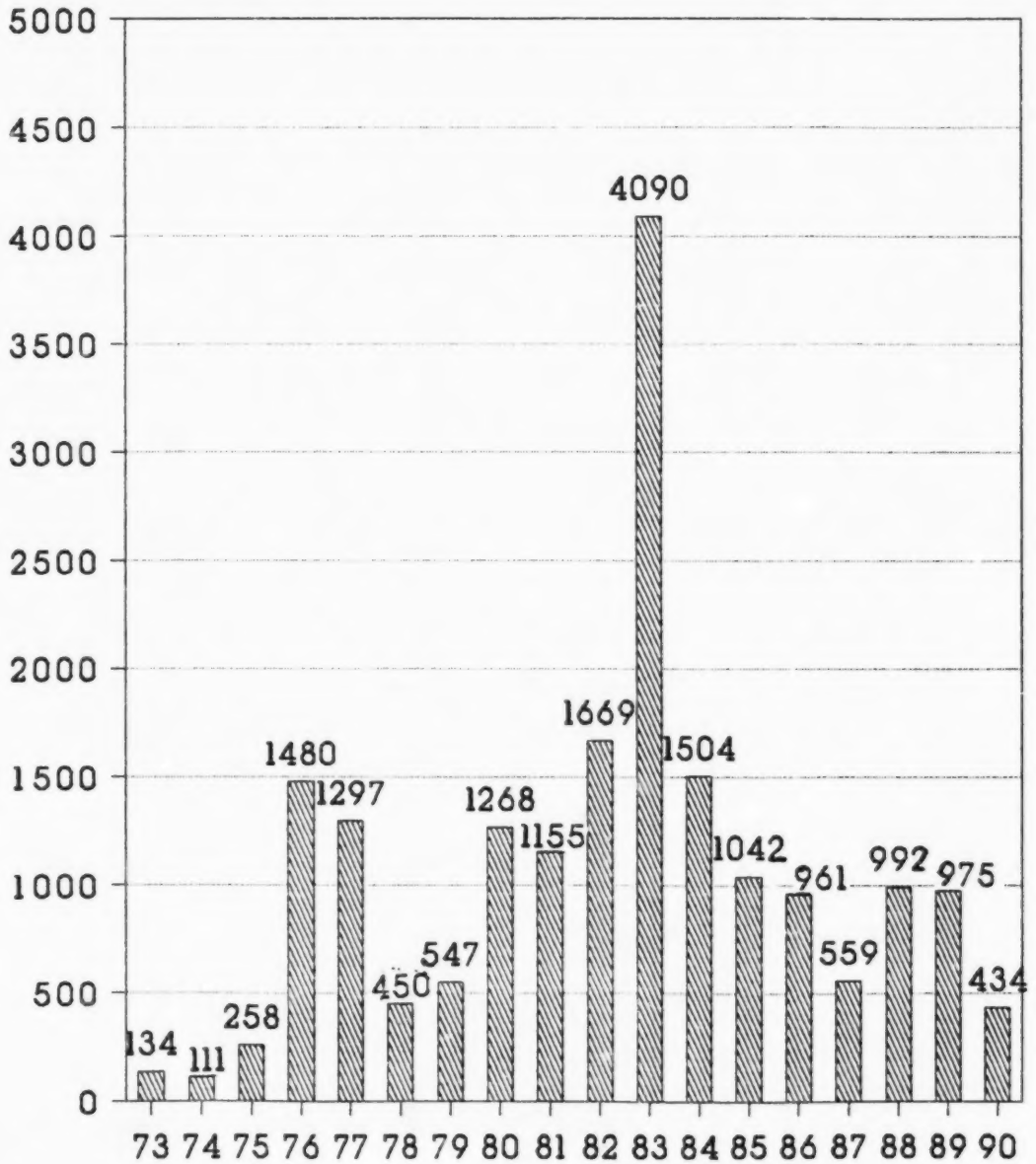
Note

1/ Since its creation in 1980, the Working Group has submitted a report to the Commission annually, starting at the Commission's thirty-seventh session. The document symbols of the last nine reports are as follows:

E/CN.4/1435 and Add.1
E/CN.4/1492 and Add.1
E/CN.4/1983/14
E/CN.4/1984/21 and Add.1 and 2
E/CN.4/1985/15 and Add.1
E/CN.4/1986/18 and Add.1
E/CN.4/1987/15 Corr.1 and Add.1
E/CN.4/1988/19 and Add.1
E/CN.4/1989/18 and Add.1
E/CN.4/1990/13

ANNEX I

DISAPPEARANCES WORLDWIDE OVER THE PERIOD 1973-1990



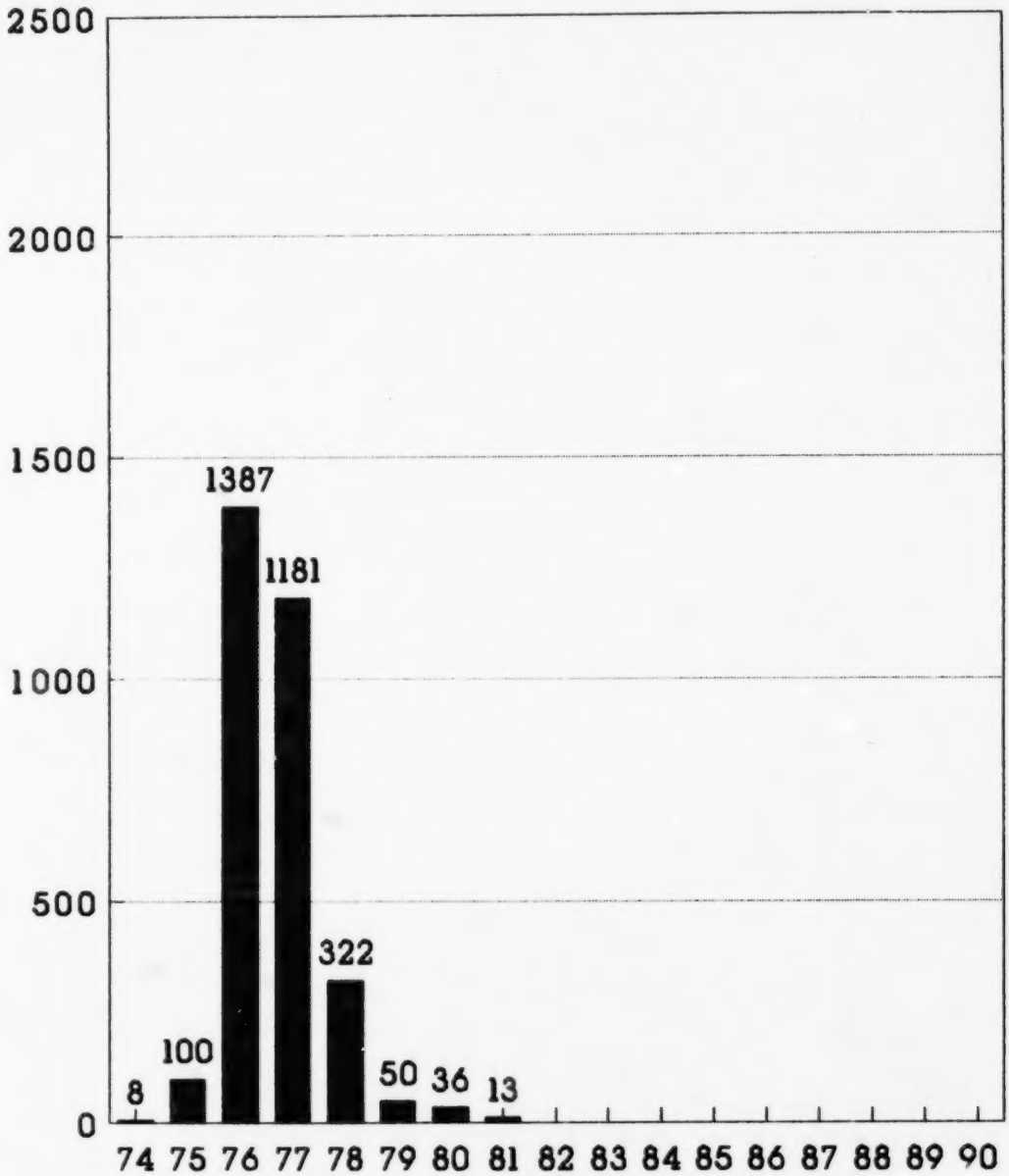
ANNEX II

GRAPHS SHOWING THE DEVELOPMENT OF DISAPPEARANCES IN

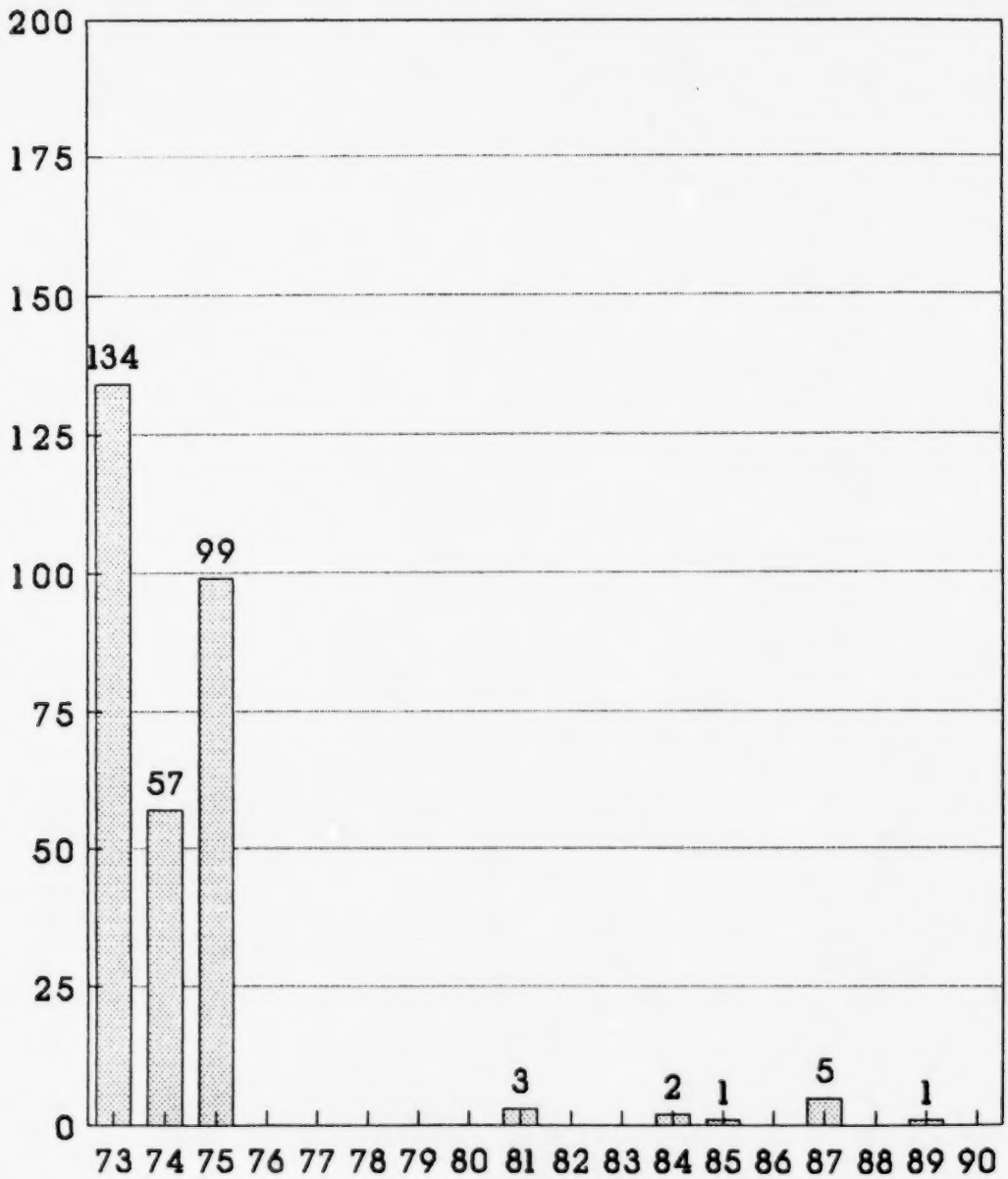
COUNTRIES WITH MORE THAN 50 TRANSMITTED CASES

READEX

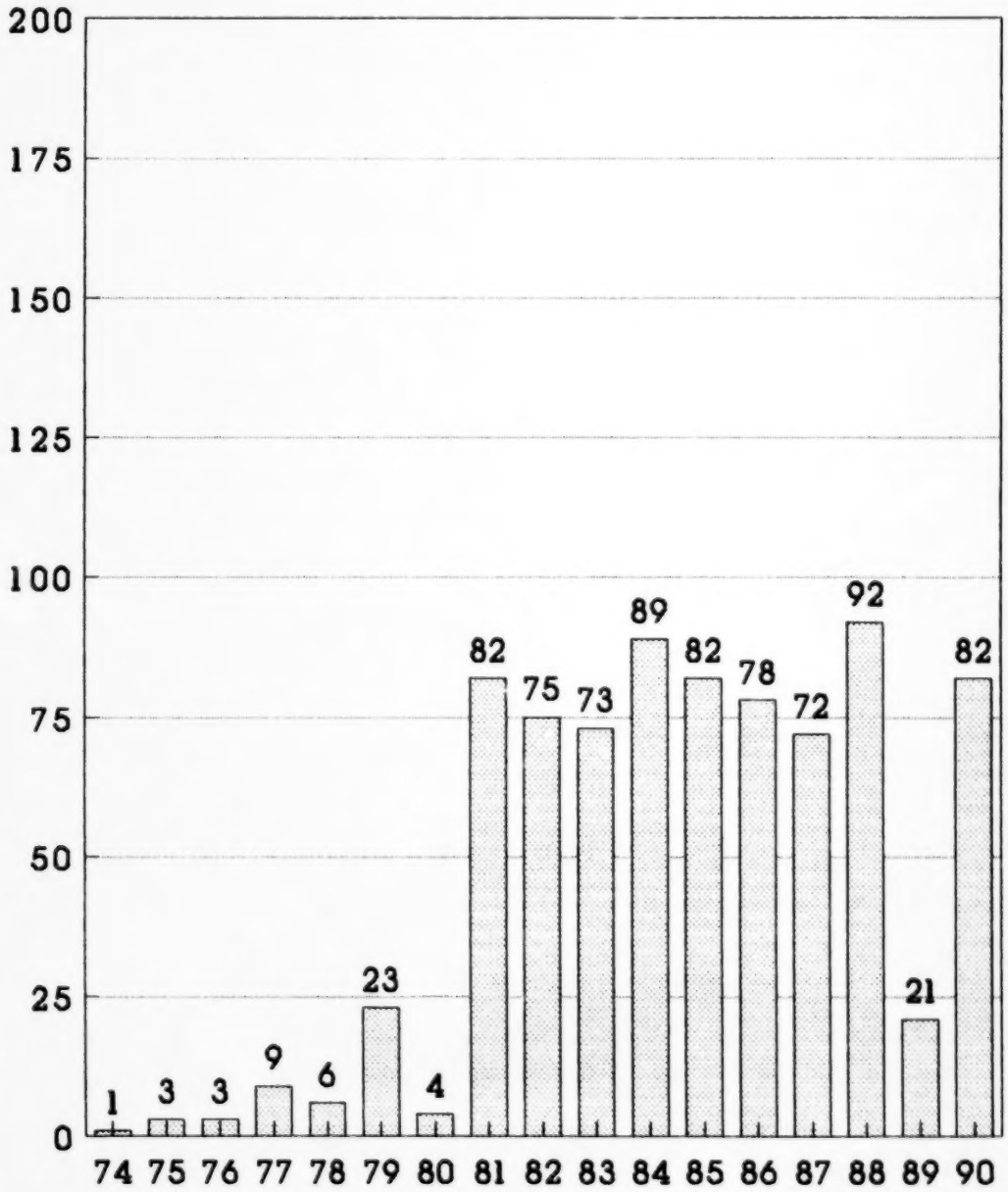
DISAPPEARANCES IN ARGENTINA OVER THE PERIOD 1974-1990



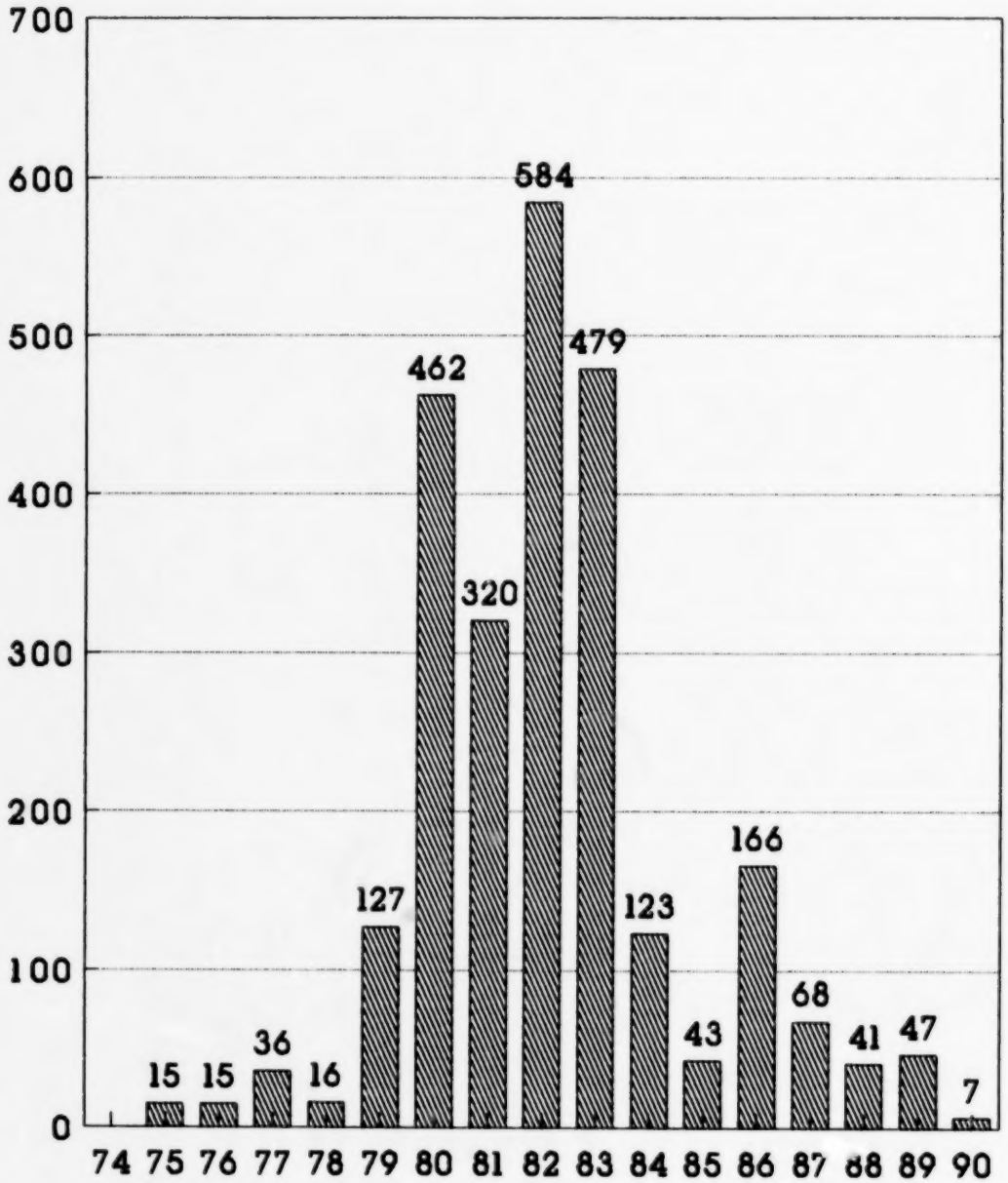
DISAPPEARANCES IN CHILE OVER THE PERIOD 1973-1990



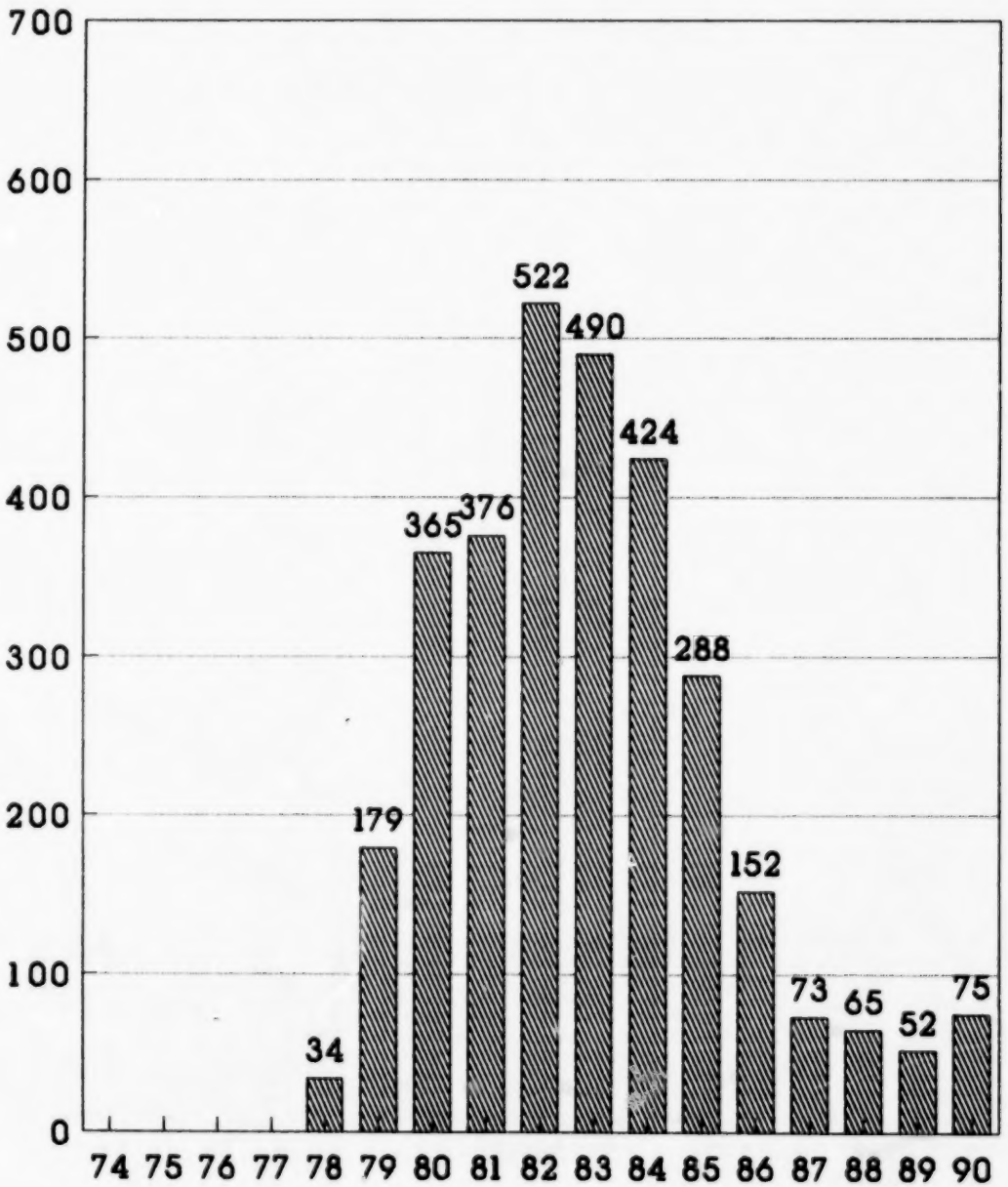
DISAPPEARANCES IN COLOMBIA OVER THE PERIOD 1974-1990



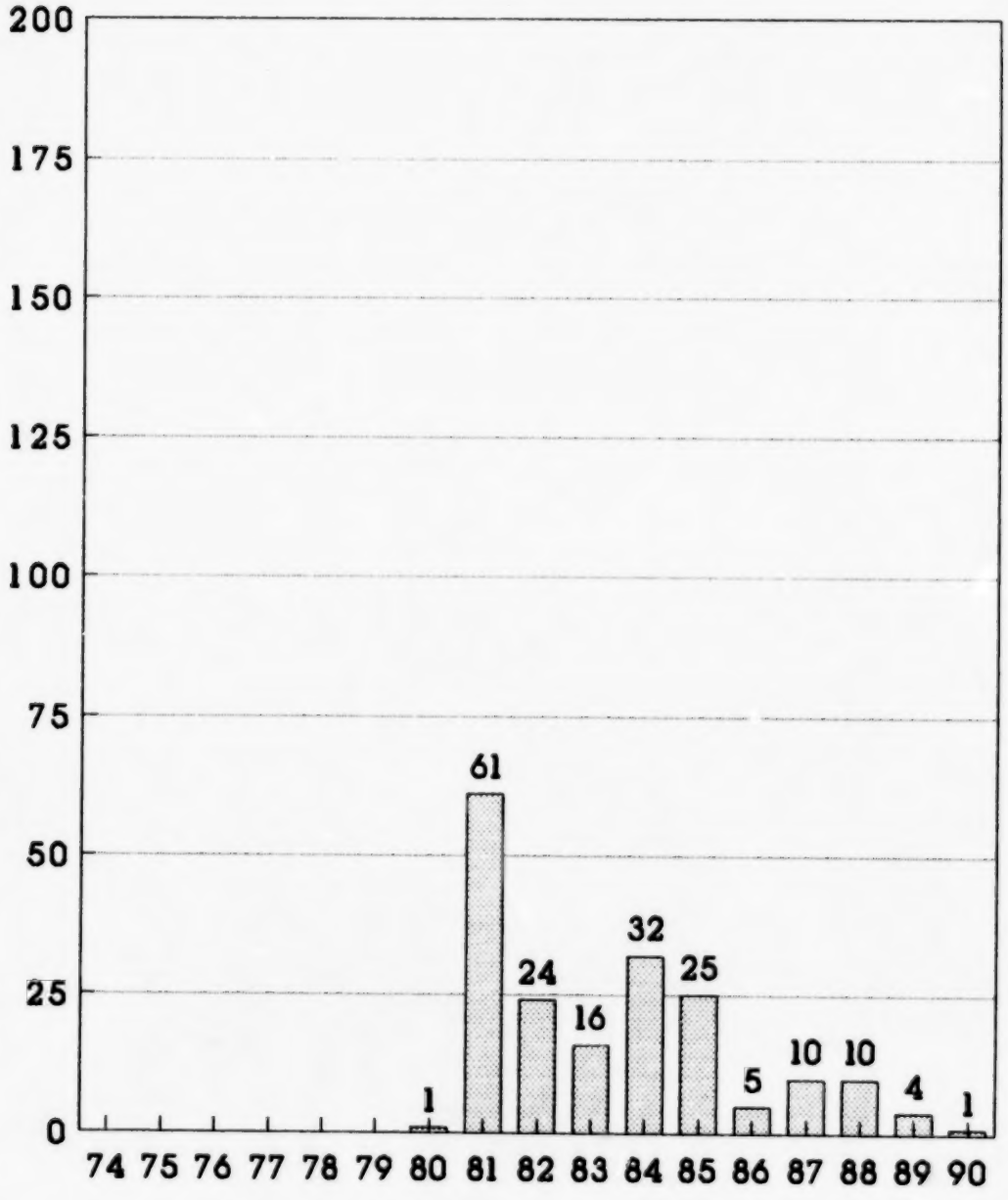
DISAPPEARANCES IN EL SALVADOR OVER THE PERIOD 1974-1990



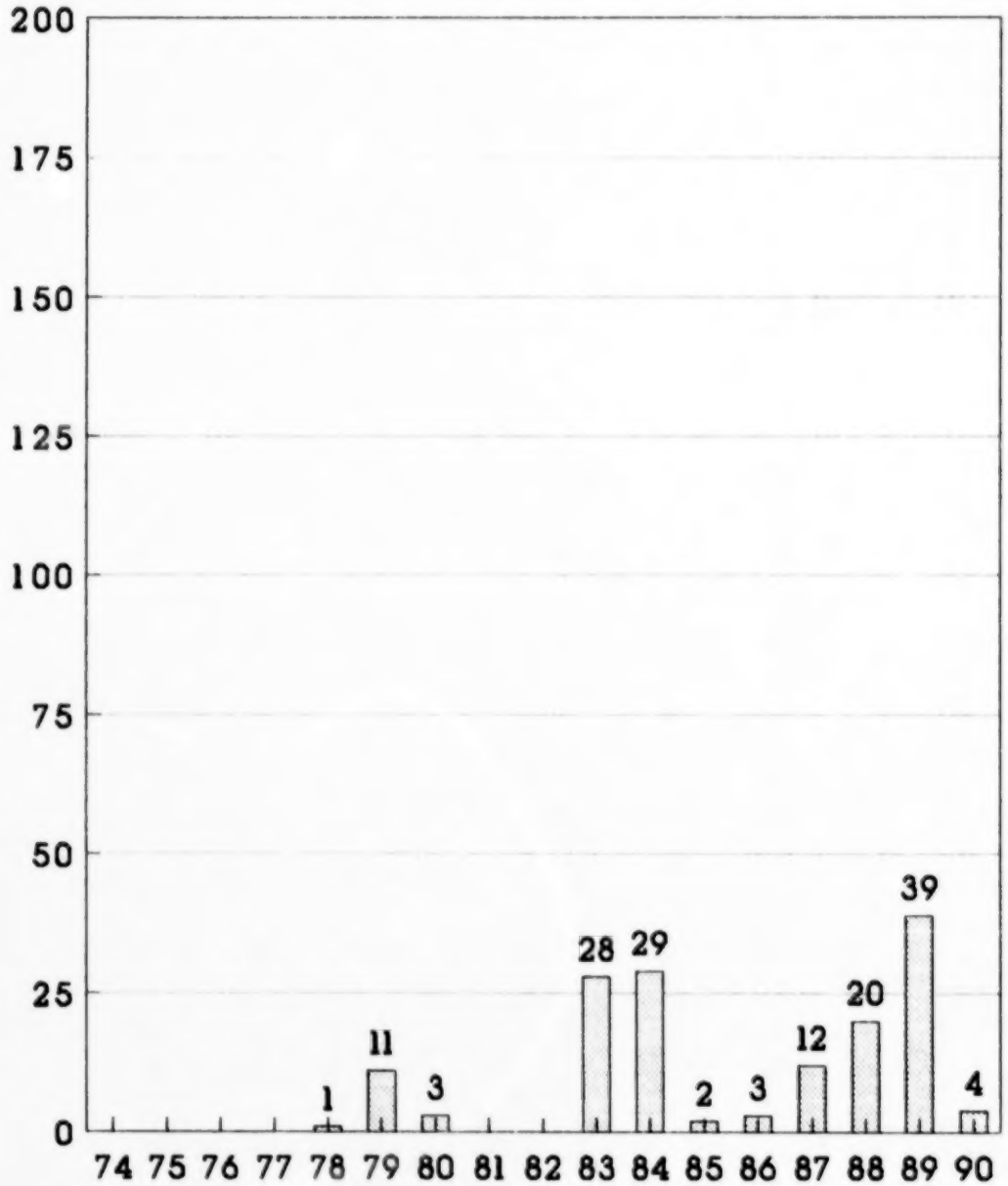
DISAPPEARANCES IN GUATEMALA OVER THE PERIOD 1974 -1990



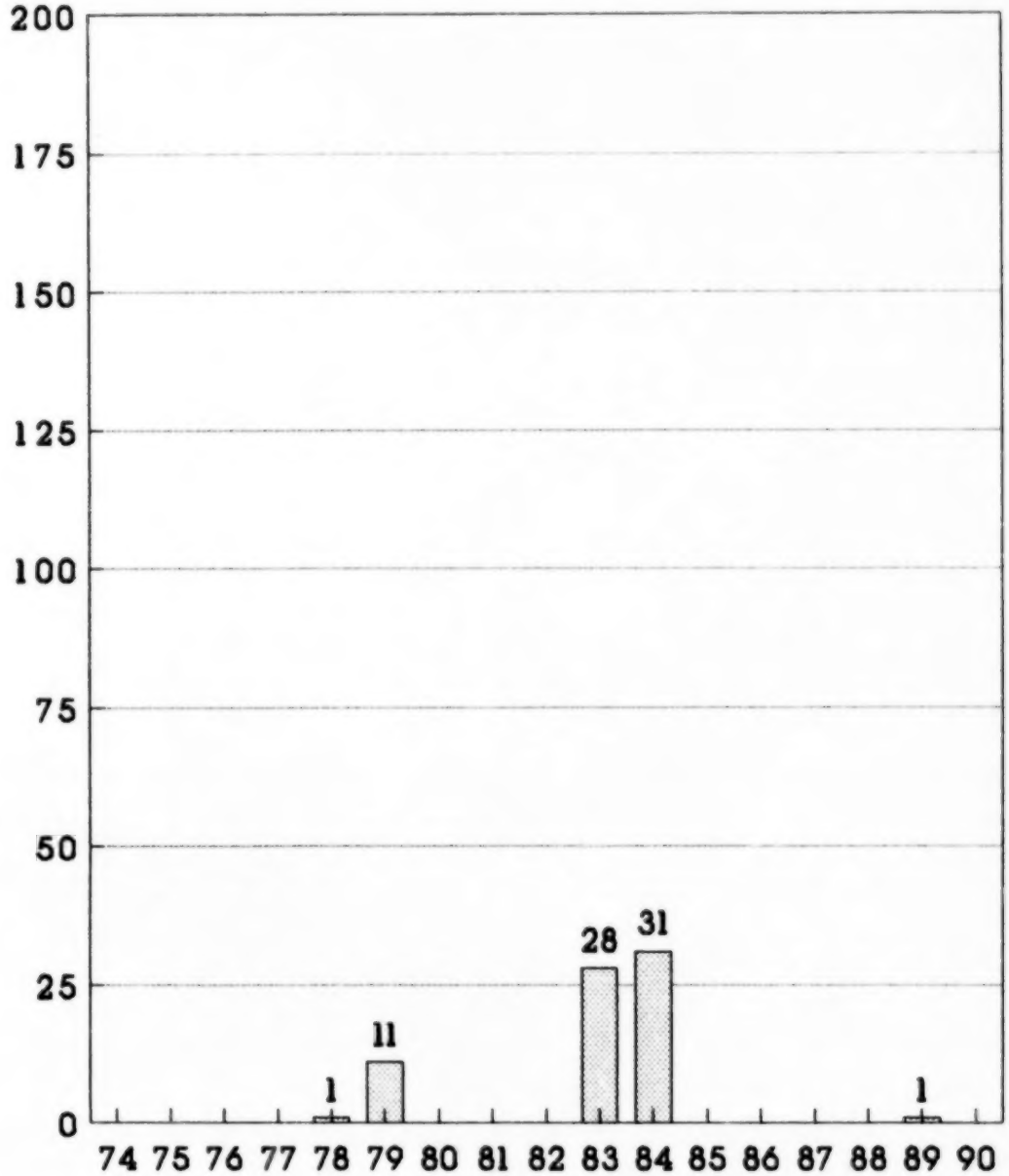
DISAPPEARANCES IN HONDURAS OVER THE PERIOD 1974-1990



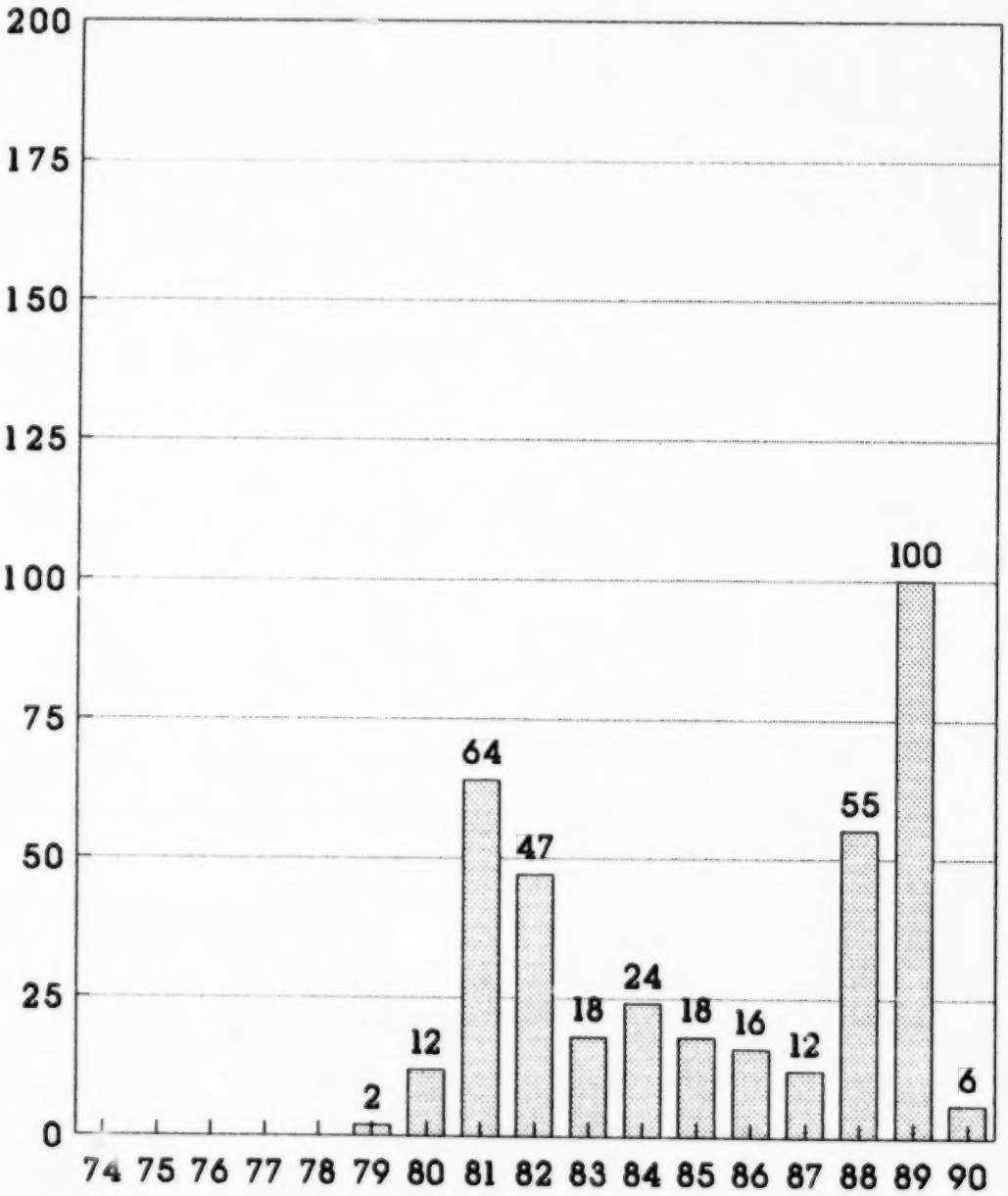
DISAPPEARANCES IN INDIA OVER THE PERIOD 1974-1990



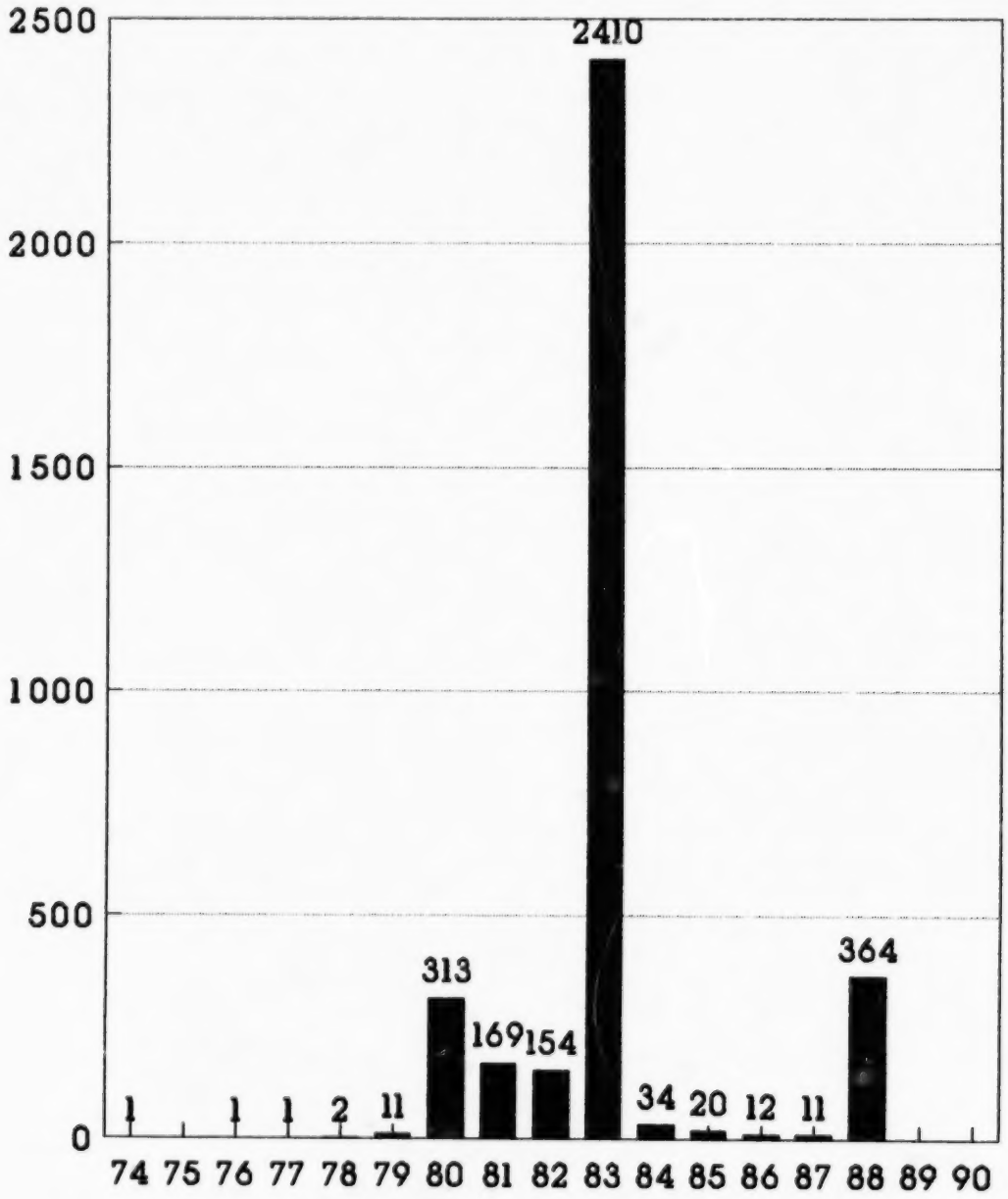
DISAPPEARANCES TRANSMITTED TO INDONESIA OVER THE PERIOD 1974-1990



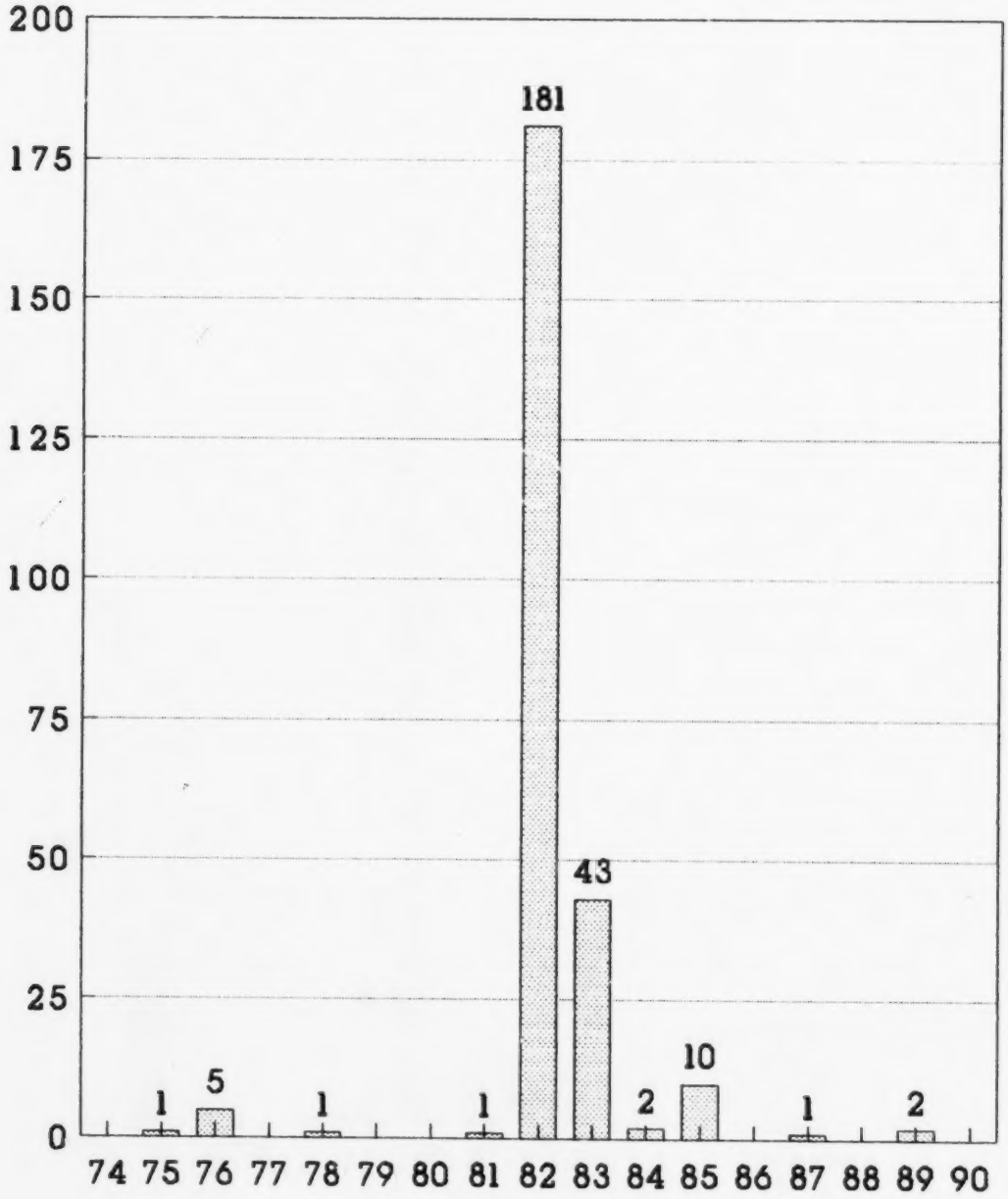
DISAPPEARANCES IN THE ISLAMIC REPUBLIC OF IRAN OVER THE PERIOD 1974-1990



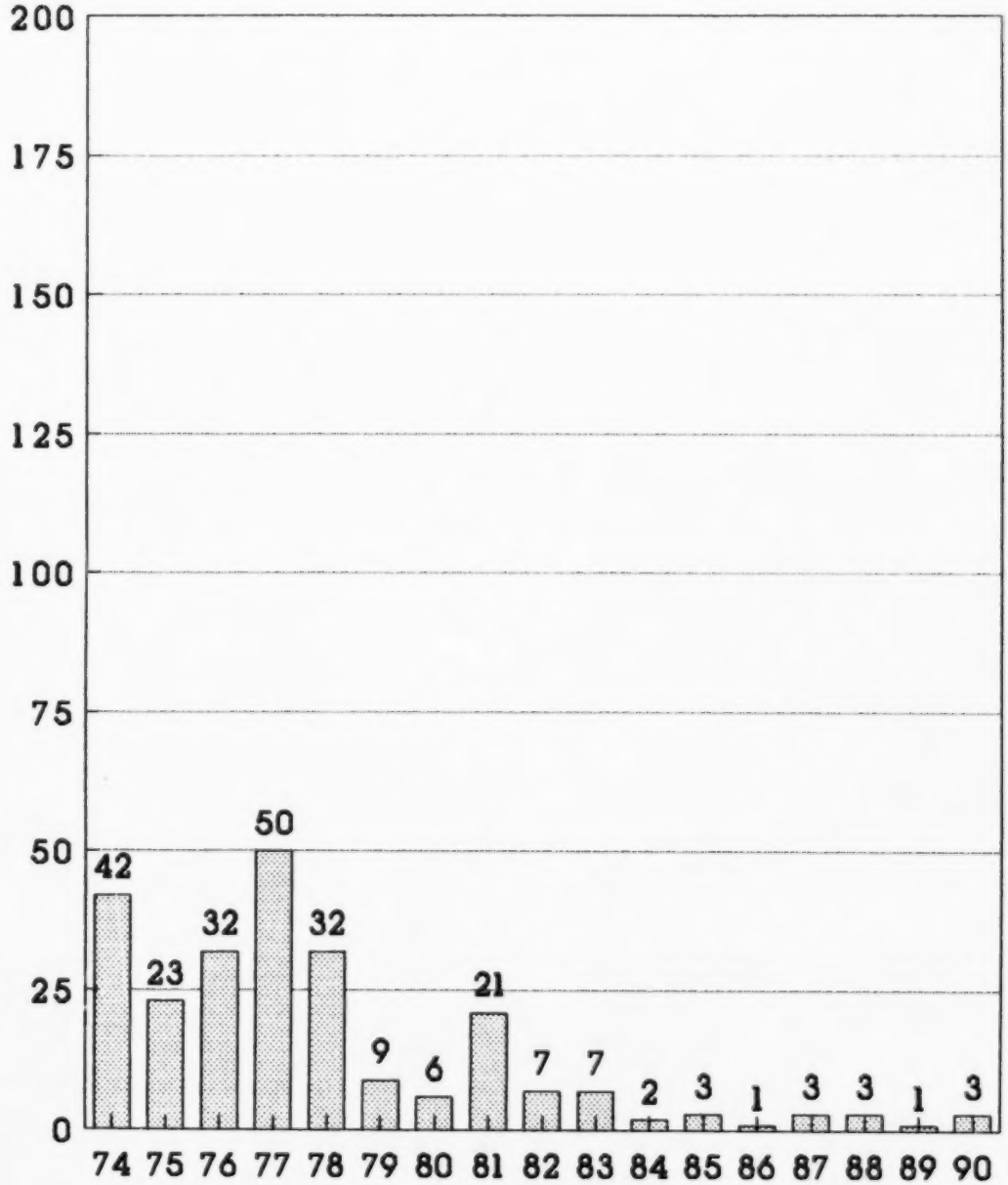
DISAPPEARANCES IN IRAQ OVER THE PERIOD 1974-1990



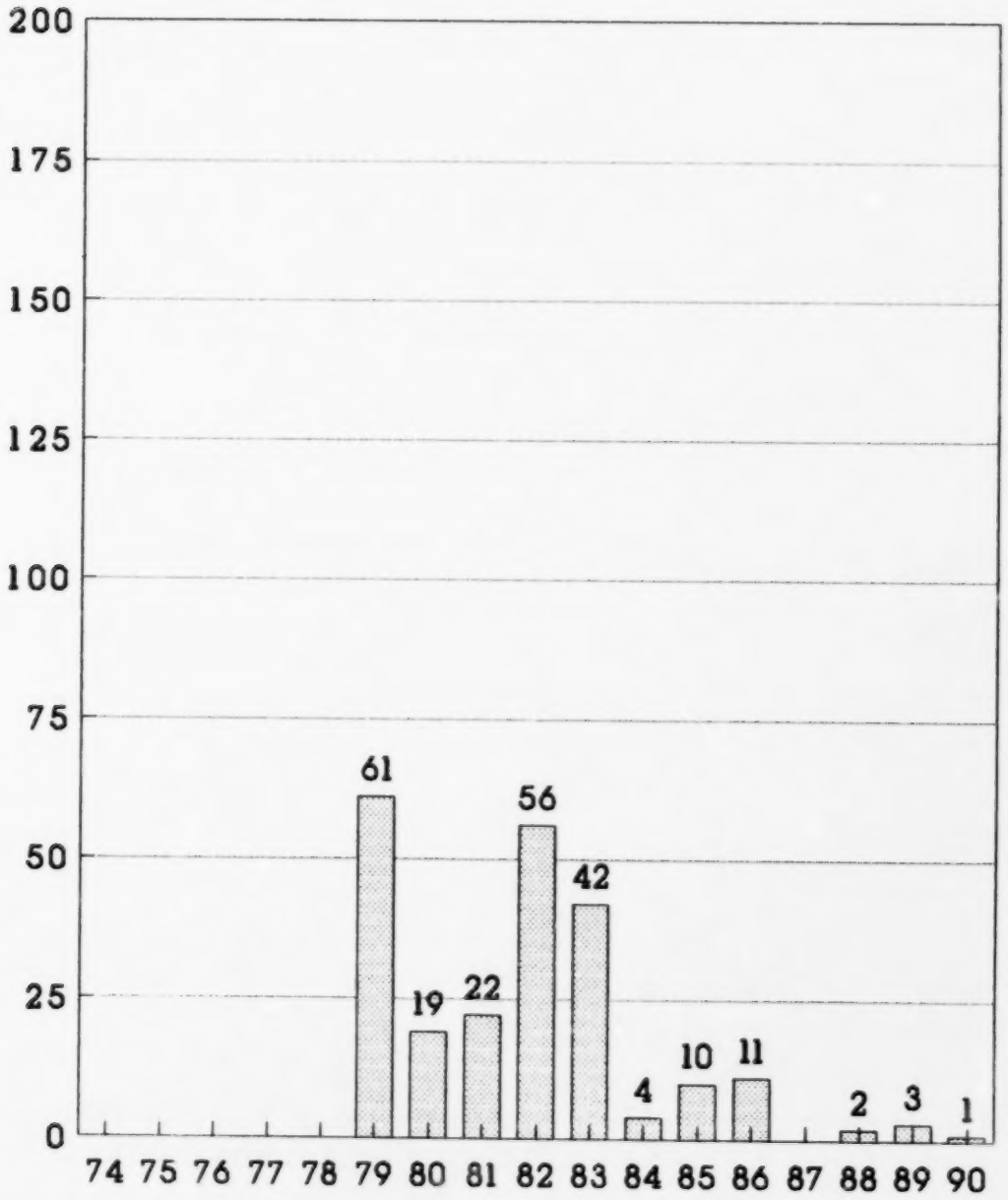
DISAPPEARANCE IN LEBANON OVER THE PERIOD 1974-1990



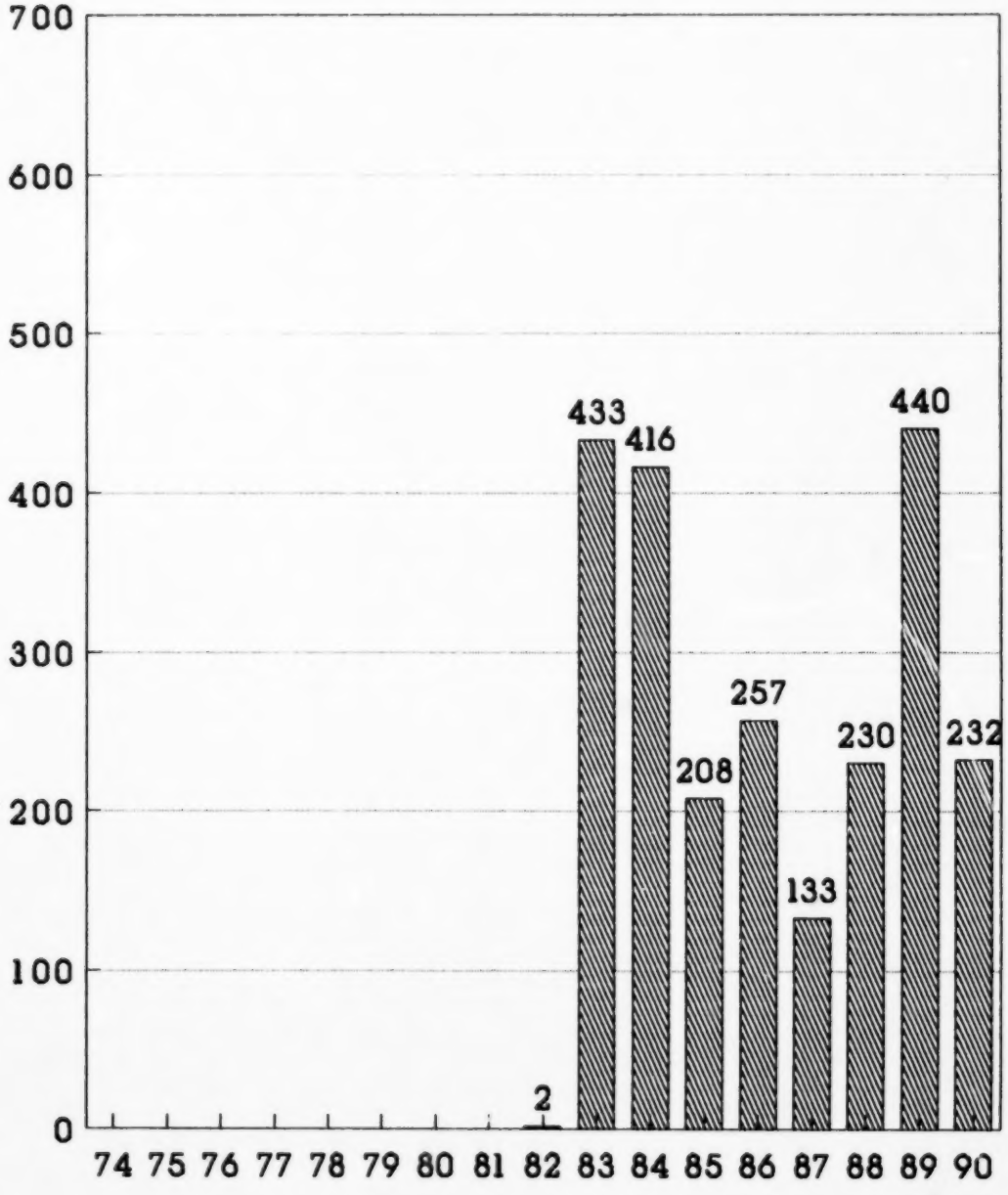
DISAPPEARANCES IN MEXICO OVER THE PERIOD 1974-1990



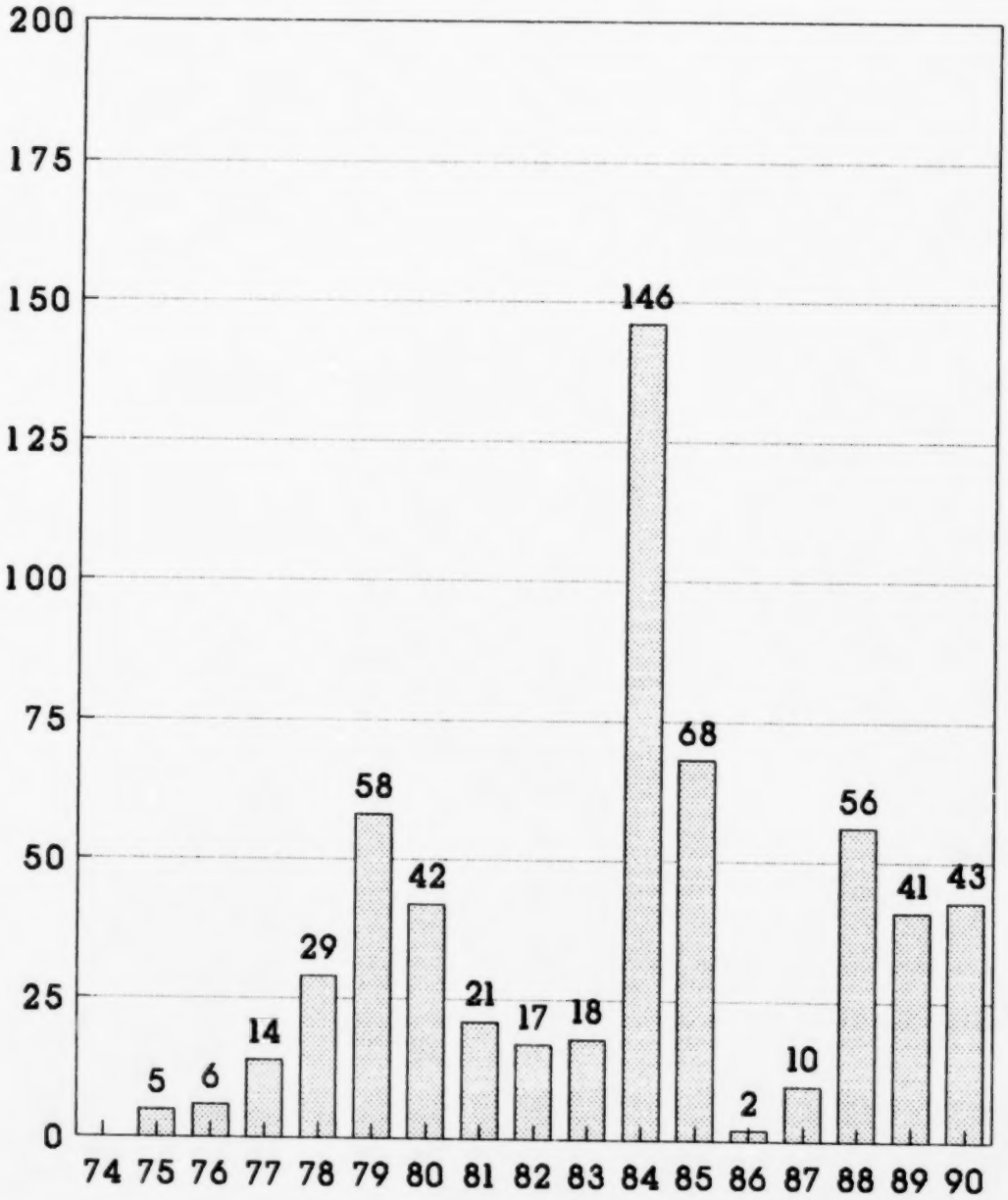
DISAPPEARANCES IN NICARAGUA OVER THE PERIOD 1974-1990



DISAPPEARANCES IN PERU
OVER THE PERIOD 1974-1990



DISAPPEARANCES IN THE PHILIPPINES OVER THE PERIOD 1974-1990



DISAPPEARANCES IN SRI LANKA OVER THE PERIOD 1974-1990